



CHAPTER xiii.

An Act to empower the Corporation of Barrow-in-Furness to make additional Waterworks and for other purposes.

A.D. 1892.

[20th May 1892.]

WHEREAS the borough of Barrow-in-Furness in the county of Lancaster is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called the Corporation) and the borough is a county borough within the meaning of the Local Government Act 1888:

And whereas the Corporation by the council are the sanitary authority for the borough with the obligations of an urban sanitary authority and they also have divers powers under the following Local Acts (that is to say):—

The Barrow-in-Furness Corporation Act 1868;

The Barrow-in-Furness Corporation Extension and Amendment Act 1872;

The Barrow-in-Furness Corporation Act 1873;

The Barrow-in-Furness Corporation Act 1875;

The Barrow-in-Furness Corporation Act 1881;

which Acts are in this Act severally referred to as the Act of the year in which it was passed and are collectively referred to as the recited Acts:

And whereas the Corporation are by virtue of the recited Acts or some of them the owners of the waterworks which supply the borough and neighbourhood with water:

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the existing and growing demands of the inhabitants within the water limits of the Corporation and it is expedient that the Corporation should be empowered to make and maintain the additional waterworks by this Act authorised:

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

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And whereas estimates have been prepared by the Corporation showing that they require to borrow for the purchase of lands for and for the execution of the works by this Act authorised forty-five thousand pounds and those works are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the members of the council at a meeting held on the nineteenth day of December one thousand eight hundred and ninety-one after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Barrow News" 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 expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough:

And whereas that resolution was published twice in the said "Barrow News" and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the council at a further special meeting held in pursuance of a similar notice on the seventh day of March one thousand eight hundred and ninety-two being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

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

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

Short title.

1. This Act may be cited as the Barrow-in-Furness Corporation Water Act 1892.

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

The Lands Clauses Acts;

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

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoirs by this Act authorised.

3. The Waterworks Clauses Act 1847 as incorporated in the recited Acts and this Act shall be read and have effect as if the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” were omitted from section 44 thereof.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The undertakers” or “the company” means the Corporation;

“The railway” means the reservoirs by this Act authorised to be constructed;

“Centre of the railway” means with respect to the reservoirs by this Act authorised to be constructed the boundary of such reservoirs respectively:

And in this Act—

“The Corporation” means the mayor aldermen and burgesses of the borough of Barrow-in-Furness;

“The borough” means the municipal borough of Barrow-in-Furness;

“The council” means the council of the borough;

“The town clerk” means the town clerk of the borough;

“The borough fund” and “the borough rate” mean respectively the borough fund and borough rate of the borough:

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

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Provisions
of certain
general Acts
incorporated.Amendment
of s. 44 of
Waterworks
Act 1847.Interpreta-
tion of terms.

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Act to be
executed by
council.

5. This Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Act 1882 the Public Health Act 1875 and the recited Acts and other laws for the time being affecting the Corporation as a municipal body and as an urban sanitary authority respectively and with all the rights powers duties privileges and authorities conferred and imposed by those Acts and laws on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporations Act 1882 and Public Health Act 1875 and other Acts and as nearly as may be in all respects as if the powers duties and property vested in imposed on or enjoyed by them by or under this Act were vested in imposed on or enjoyed by them by or under the Municipal Corporations Act 1882 the Public Health Act 1875 and other Acts respectively.

Power to
make water-
works.

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

- (1.) A reservoir (to be called the Harlock Reservoir) partly in the parish of Pennington and partly in the parish of Dalton-in-Furness to be formed by means of an embankment across the Poaka Beck;
- (2.) An aqueduct or line of pipes commencing in the parish of Pennington from and out of the stream or beck called Rathmoss Beck and terminating in the parish of Dalton-in-Furness in a certain cut or watercourse made or improved by the Corporation and used for conveying water to their Poaka Beck Reservoir;
- (3.) A conduit or line of pipes commencing in the parish of Pennington in the Harlock Reservoir and terminating in the same parish by a junction with the Corporation's 15-inch water main from the Poaka Beck Reservoir;
- (4.) A service reservoir (to be called the Holbeck Reservoir) in the borough and parish of Barrow-in-Furness in a field numbered 285 on the 1-2500th Ordnance map of the same parish;
- (5.) A conduit or line of pipes in the borough and parish of Barrow-in-Furness commencing by a junction with the existing 15-inch water main of the Corporation lying on the Furness Railway and terminating in the Holbeck Reservoir;

(6.) A conduit or line of pipes in the borough and parish of Barrow-in-Furness commencing in the Holbeck Reservoir and terminating by a junction with the last mentioned 15-inch water main : A.D. 1892.

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

7. Subject to the provisions of this Act the Corporation may enter upon and take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and they may for the purpose of their waterworks collect impound take use and appropriate such of the waters of the Poaka Beck and Rathmoss Beck and the tributaries thereof respectively as can or may be intercepted or impounded by the waterworks first secondly and thirdly herein-before described and authorised and all waters found in or upon any of the lands acquired by them under this Act. Power to take lands and waters.

8. In constructing the works by this Act authorised the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and when the line of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked thereon the Corporation may in making such work deviate laterally to any extent within the boundaries of such road and the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards Provided that the height of the embankment of the Harlock Reservoir as shown on the deposited sections above the general surface of the ground shall not be increased by reason of any such deviation as aforesaid. Power to deviate.

9. The Harlock Reservoir by this Act authorised shall be deemed to be in substitution for the reservoir (a) authorised to be constructed under the Act of 1875 and the Corporation shall be bound to supply water to the Ulverston Local Board therefrom as if the same had been constructed under the Act of 1875 and the Corporation shall not divert any water from the Rathmoss Beck into the Harlock Reservoir except when there is over 600,000 gallons of water per For the protection of the Ulverston Local Board.

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day flowing from the Beckcourse into the Pennington Reservoir and then only as to the excess over such 600,000 gallons Provided that if the outlet from the Pennington Reservoir or the embankment thereof shall at any time hereafter require alteration or repair or the said reservoir shall require cleaning out or cleansing then during the time of such necessary repair cleaning out or cleansing the prohibition against the diversion of the water from the Rathmoss Beck shall not be in force or apply so long as the Corporation supply to the local board the quantity of water to which they are entitled such water being supplied in as pure and clean a state as the water supplied to Barrow from the Poaka Beck Reservoir.

For the protection of His Grace the Duke of Devonshire and of Victor Christian William Cavendish Esquire M.P.

10. For the protection of the most noble Spencer Compton Duke of Devonshire and of Victor Christian William Cavendish Esquire their and each of their heirs successors in estate and assigns (all of whom are in this section included in the expression the owner) the following provisions shall have effect (that is to say):—

- (a) Notwithstanding anything in this Act contained and except as in this section otherwise expressly provided it shall not be lawful for the Corporation except by agreement with the owner to enter upon take use or otherwise interfere with either temporarily or permanently any lands belonging to the owner except the pieces of land coloured pink on the plan signed by William Henry Fox on behalf of the Corporation and Frank Stileman on behalf of the owner but the Corporation shall have a right of way to the Holbeck Reservoir in the line coloured green shown on the said plan not exceeding twenty feet in width for the use of the Corporation their officers workmen servants and others with or without horses carts and other vehicles ;
- (b) With respect to any lands belonging or reputed to belong to the owner which the Corporation are by this Act authorised to use enter upon or interfere with for the construction of the conduits or lines of pipes and the works and conveniences connected therewith by this Act authorised (all of which are herein-after in this section included in the expression the works) the Corporation shall not except by agreement purchase and take the same but the Corporation may purchase and take and the owner shall sell and grant to the Corporation an easement or right of using the same for the purposes of the works including the right to inspect cleanse repair and remove the same the Corporation paying compensation for such easement to the owner and to the lessees and tenants of the lands such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts with respect

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to the acquisition of lands otherwise than by agreement and the easement so to be taken shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration ;

- (c) The Corporation shall not be entitled or required to fence off or sever the lands in respect of which they acquire an easement from the adjoining lands of the owner but the owner and his lessees and tenants for the time being shall at all times after the completion of the works have the same rights of passing over and cultivating such lands in respect of which an easement is acquired for all purposes of or connected with the use or enjoyment of the adjoining lands as if such easement had not been acquired and such lands had not been used by the Corporation but the rights so reserved shall not interfere with the necessary and proper user of the easement for the purposes of the works ;
- (d) The Corporation shall if and when required by the owner erect and for ever after maintain proper gates or stiles at the respective points where any of the works shall cross any fences or other divisions of property of the owner ;
- (e) The Corporation shall to the reasonable satisfaction of the owner restore and make good the surface of the land of the owner in or under which any of the works are constructed and if the Corporation interfere with any drains in on or under such lands they shall before such interference make new drains in lieu thereof ;
- (f) If any of the works or operations of the Corporation under this Act shall destroy take away injure or interfere with any water or water supplies in or through the lands of the owner the Corporation shall from the reservoirs aqueducts conduits or lines of pipes by this Act authorised or from any other reservoirs aqueducts conduits or lines of pipes for the time being belonging to the Corporation furnish free of charge to the owner and to the lessees and tenants of such lands a full and sufficient supply of water for domestic purposes and for cattle and horses and for farm and other agricultural purposes and the Corporation shall at their own cost lay down and maintain all such pipes conduits troughs cisterns taps and apparatus as may be requisite for furnishing and continuing such supply Provided that nothing in this section shall be deemed to oblige the Corporation to furnish thereunder at any time any greater quantity of water than that which but for the passing of this Act would have been available from the several streams aforesaid for domestic and agricultural purposes in or on the lands aforesaid Provided

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also that this section shall not apply to any house erected after the passing of this Act;

(g) The Corporation shall from time to time make full compensation to the owner and to all other persons claiming under him for all damages and injury losses and expenses whatsoever as well immediate as consequential which they respectively from time to time may incur or suffer in regard to any of their mining operations by reason of the bursting or giving way or leaking of the Holbeck Reservoir;

(h) If and when the land of the owner in which the conduits or lines of pipes by this Act authorised connecting the said Holbeck Reservoir with the existing 15-inch water main of the Corporation lying on the Furness Railway is used for building purposes the Corporation shall on receiving six months' notice in writing from the owner requiring them so to do take up the said conduits or lines of pipes and relay the same to the reasonable satisfaction of the owner in and under such road or roads as may have been formed on the said lands as the owner shall require but the Corporation shall not be required to make any additional payment to the owner in respect of such relaying.

For the protection of the Furness Railway Company.

11. For the protection of the Furness Railway Company (hereinafter in this section called the company) the following provisions shall have effect namely:—

(1) All the works executed by the Corporation under the provisions of this Act in or over under or affecting any of the railways sidings bridges or works of the Company shall be executed at the expense in all things of the Corporation under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company and shall be made only according to plans and specifications to be submitted by the Corporation to such engineer and to be reasonably approved of by him in writing under his hand before any of the works are begun. Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof;

(2) The works by this Act authorised shall be constructed and maintained so as not in any manner to cause any injury to or to obstruct or interfere with the free uninterrupted and safe user of the railways sidings and works of the company or with any traffic thereon and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer

of the company and in all things at the expense of the Corporation ; A.D. 1892.

- (3) If by reason of the construction or maintenance of any of the works by this Act authorised or the failure leakage or bursting of any such works or proceedings of the Corporation under the provisions of this Act or any act or omission of the Corporation or of their contractors or of any persons in the employ of the Corporation or of their contractors or otherwise in relation to the works by this Act authorised any of the railways sidings bridges or other works of the company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the company may make good the same and recover the expense thereof with full costs against the Corporation in any court of competent jurisdiction ;
- (4) If by reason of any of the matters or causes aforesaid any accident or injury shall be caused on or to the railways or sidings of the company or any interruption or injury shall be occasioned to the traffic on such railways or sidings the Corporation shall recompense and indemnify the company for and against any damage which they may sustain and for any damage or compensation costs charges and expenses which may be recovered against them by reason of any such accident interruption or injury such damages compensation costs charges and expenses to be respectively recoverable by the company from the Corporation in any court of competent jurisdiction ;
- (5) Notwithstanding anything in this Act contained the Corporation shall not under any of the powers conferred upon them by this Act unless with the previous consent in writing of the company under their common seal acquire any estate or interest in any of the lands and property of the company other than an easement or right of constructing and maintaining therein the works by this Act authorised and the Corporation shall pay to the company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement ;

The easement to be taken under this subsection shall be deemed to be lands so far as respects the proceedings for the acquisition thereof and also for the purposes of such arbitration ;

- (6) Except as in this section otherwise provided any disputes or differences which shall at any time arise between the company

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and the Corporation touching any of the matters mentioned or referred to in this section shall from time to time on the application of either party be referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of the arbitration and of the award shall be in the discretion of the arbitrator.

Time for completion of works.

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

Restriction on taking houses of labouring class.

13. The Corporation shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to take additional lands by agreement.

14. The Corporation may from time to time for the purposes of this Act purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised by this Act to take by compulsion but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands and such lands shall not be used for any building except buildings required for or used in connection with the water undertaking of the Corporation.

Power to take easements by agreement

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

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16. The powers of the Corporation for compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

17. The Corporation may hold any lands acquired by them under the powers of this Act and which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided that the Corporation shall not erect or authorise or permit the erection on any such lands whilst so held by them of any buildings other than buildings necessary for or connected with their waterworks.

Power to hold lands for protection of works.

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

Reservation of water rights &c. on sale.

19. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation for waterworks purposes but shall not be applied in the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved of by the Local Government Board. Any moneys discharged out of the proceeds of any such sale shall not be reborrowed.

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

20. The waterworks to be constructed under the authority of this Act shall for all purposes whatsoever inclusive of water rents rates and charges be deemed part of the existing water undertaking of the Corporation.

New works to form part of existing waterworks undertaking.

21. In order to ensure the purity of the water supplied by the Corporation they shall effectually filter all water before the same shall be put into their pipes for distribution for domestic purposes.

Filtration of water.

If the Corporation make default in complying with this section they shall on summary conviction thereof be liable to a penalty not exceeding five pounds for every day on which such default shall

A.D. 1892. — continue after complaint in writing thereof shall have been sent to the town clerk and such penalty may be recovered by the local board for the district of Dalton-in-Furness.

This section shall not come into operation until twelve months after the passing of this Act.

Inspection of filter-beds.

22.—(1) The surveyor or other authorised officer of the local board for the district of Dalton-in-Furness shall be at liberty to inspect twice in every year such of the filter-beds of the Corporation as shall for the time being be used for the supply of that district upon their giving not less than forty-eight hours' notice to the town clerk of their intended inspection. Provided that for the purpose of this subsection the Corporation shall not be required to empty the said filter-beds.

(2) Provided also that before emptying any filter-bed used for the supply of the said district the Corporation shall (except in cases of emergency) give to the clerk to the said local board not less than forty-eight hours' notice of the day or days on which the filter-beds will be empty and the surveyor or other authorised officer of the said local board shall be at liberty to inspect the said filter-beds on such day or days.

Power to borrow for purposes of Act.

23. The Corporation may from time to time borrow for the purposes of and in manner provided by this Act any sum or sums of money not exceeding the sum of forty-five thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for carrying into effect the purposes of this Act or otherwise in relation to their water undertaking and the Corporation may mortgage the revenue of their water undertaking and the borough fund and borough rate to secure the repayment of the moneys borrowed with interest.

The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

24.—(1) The following provisions of the Act of 1868 shall apply to all mortgages granted under this Act (that is to say):—

Section 225. Regulation as to mortgages;

Section 226. Transfers of mortgages;

Section 227. Forms of mortgages and transfers;

Section 229. Power for mortgagees to obtain a receiver;

Section 230. Accounts open to mortgagees.

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Provisions of
Act of 1868
relating to
the borrow-
ing of money
to apply.

(2) So much of section 227 of the Act of 1868 as prescribes the form of mortgage and the form of mortgage set out in the Third Schedule to that Act are hereby repealed.

25. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Money may
be raised by
mortgage or
under the
Local Loans
Act.

26. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regu-
lations of
Public
Health Act
as to borrow-
ing not to
apply.

27. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as the prescribed periods) following (that is to say):—

Period for
payment off
of money
borrowed.

As to moneys borrowed for waterworks purposes (not exceeding the sum of forty-five thousand pounds) within sixty years from the date or dates of the borrowing of the same respectively;

As to moneys borrowed for the payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing this Act within ten years from the date of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as that Board may think fit to sanction.

28. The Corporation shall pay off all moneys borrowed by them under the powers of this Act by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund created invested and applied in manner provided by the Local Loans Act 1875 and section 15 of that Act shall apply accordingly.

Mode of
payment off
of money
borrowed.

29. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other

Power to
reborrow.

A.D. 1892. moneys in the nature of capital not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Protection of lender from inquiry.

30. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

Application of money borrowed.

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

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

32. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part

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of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments. A.D. 1892.
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33. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property. Saving for
existing
charges.

34. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys to be borrowed under the provisions of this Act. Costs of Act.

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