

## CHAPTER xxvi.

An Act to make further provision respecting the Gas and Water Supply of the Corporation of Rotherham and for other purposes. A.D. 1896.  
[21st May 1896.]

**W**HEREAS the borough of Rotherham in the county of York is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation") and the Corporation acting by the town council are the urban sanitary authority for the district of the borough:

And whereas the undertakings for the supply of gas and water throughout the borough of Rotherham and certain places adjoining thereto are in the hands of the Corporation and they have expended large sums upon those undertakings:

And whereas for enabling the Corporation to provide an increased supply of gas and water to the borough and places aforesaid it is expedient that they should be authorised and empowered to construct the works herein-after described:

And whereas by the Rotherham and Kimberworth Local Board of Health Acts 1863 and 1870 and the Rotherham Corporation Acts 1877 and 1882 the Corporation were empowered to construct a reservoir and other waterworks at Dalton and the period under those Acts limited for the completion of the said reservoir and works expired on the seventeenth day of May 1895 and it is expedient that the powers of the Corporation to construct such reservoir and works be revived and that the period allowed for the completion of the reservoir and works be extended:

And whereas it is expedient that further powers be conferred on the Corporation for the prevention of the pollution of their sources of supply:

And whereas the limits within which the Corporation are authorised to supply water comprise part only of the township of Greasborough the whole of which township is comprised within the district of the Greasborough Urban District Council and the Corporation

A.D. 1896. and district council have entered into an agreement for the supply of water by the Corporation to the district council for distribution in the district of the district council and it is expedient that effect should be given to the said agreement as set forth in the Second Schedule to this Act and that further power should be conferred on the Corporation and district council respectively with respect to the supply and distribution of such water and the raising of money for that purpose :

And whereas it is expedient that the Corporation be authorised to raise more money for the construction of permanent works within the meaning of section 234 of the Public Health Act 1875 in connexion with their gasworks and waterworks :

And whereas estimates have been prepared of the amount required for the purposes of such works and such are as follows namely :—

With respect to gasworks £20,000

With respect to waterworks £30,000 :

And whereas the Corporation are or claim to be the owners in possession of all property on both sides of and adjoining Water Street in the parish of Rotherham and such street traverses or passes through the gas and water works of the Corporation and it is expedient that the said street be stopped up and that all public rights of way over the said street be extinguished :

And whereas it is expedient that the Local Acts herein-after specified relating to the borough be amended in divers particulars :

And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of November one thousand eight hundred and ninety-four after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Rotherham Advertiser a local newspaper published and 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 whereas such resolution was published twice in the Rotherham Advertiser 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 at a further special meeting held in pursuance of a similar notice on the eighteenth day of February one thousand eight hundred and ninety-five 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 in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act : A.D. 1896.

And whereas plans and sections describing the lines situations and levels of the waterworks 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 were duly deposited with the clerk of the peace for the West Riding of the county of York and are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes of this Act 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 Commons in this present Parliament assembled and by the authority of the same as follows :—

#### PART I.—PRELIMINARY.

1. This Act may be cited as the Rotherham Corporation Act 1896. Short title.

2. This Act is divided into parts as follows :—

Part I.—Preliminary ;

Part II.—Gas ;

Part III.—Water ;

Part IV.—Financial.

Division into parts.

3. 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 :— Incorporation of Acts.

The Lands Clauses Acts ;

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 and section 38 relating to accounts) ;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts) but that Act as incorporated in this Act and the Acts of 1863 1870 1877 and 1882 shall be read and have effect as if the words "with the consent in

A.D. 1896.

“ writing of the owner or reputed owner of any such house or  
 “ of the agent of such owner ” were omitted from section 44 ;  
 The Waterworks Clauses Act 1863 ; and  
 The Gasworks Clauses Act 1871 (except section 7 relating to  
 shareholders section 8 relating to the appointment of receiver  
 and section 35 relating to accounts).

Interpreta-  
tion.

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 And in this Act unless the context otherwise requires—

“ The borough ” means the borough of Rotherham ;

“ The council ” means the council of the borough ;

“ The borough fund ” “ district fund ” “ borough rate ” and  
 “ general district rate ” mean respectively the borough fund  
 district fund borough rate and general district rate of the  
 borough ;

“ Daily penalty ” means a penalty for each day on which any  
 offence is continued after conviction therefor ;

“ The Local Acts ” means the Acts next herein-after mentioned ;

The Acts of 1863 1870 1875 1877 and 1882 mean respectively the  
 Rotherham and Kimberworth Local Board of Health Act 1863  
 the Rotherham and Kimberworth Local Board of Health Act  
 1870 the Rotherham Corporation Act 1875 the Rotherham  
 Corporation Act 1877 and the Rotherham Corporation Act  
 1882 ;

“ The Order of 1890 ” means the Rotherham Order 1890 con-  
 firmed by the Local Government Board’s Provisional Orders  
 Confirmation (No. 5) Act 1890 ;

“ Statutory securities ” means statutory securities as defined by  
 the Act of 1882 as amended by the Order of 1890.

Execution  
of Act.

5. This Act shall be carried into execution by the Corporation  
 acting by the council.

## PART II.—GAS.

Powers as to  
construction  
and main-  
tenance of  
gasworks  
&c.

6. Subject to the provisions of this Act the Corporation may  
 from time to time maintain alter improve enlarge extend and renew  
 or discontinue the existing gasworks upon the lands or any part  
 thereof which are described in the First Schedule to this Act and  
 they may also erect lay down provide and from time to time  
 maintain alter improve enlarge extend and renew or discontinue  
 additional and other gasworks retorts gasometers receivers drains  
 sewers mains pipes meters lamps lamp-posts burners stop-cocks



machinery and other works and apparatus and conveniences and may do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of the Corporation as prescribed by the Act of 1870 and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas.

A.D. 1896.

7. The Corporation may take hold and use patent rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of residual products herein-before mentioned.

Power to hold licences under letters patent.

8. The Corporation may for the purposes of the gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Act lands not exceeding in the whole ten acres which the Corporation may from time to time require for the purposes of their gasworks undertaking but the Corporation shall not create or permit a nuisance on any such lands and no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the First Schedule to this Act.

Power to purchase lands by agreement for gas purposes. Gas not to be manufactured except on lands scheduled.

9. The Corporation may purchase manufacture provide supply sell let for hire and otherwise deal in and fix set up alter remove and re-fix gas meters and fittings gas engines stoves ranges pipes and other apparatus and appliances articles and things for lighting motive power the warming and ventilation of houses and buildings the cooking of food and for all other purposes for which gas can or may be used and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale supply letting fixing setting up altering or removing of such meters fittings engines stoves ranges pipes and other apparatus and appliances articles and things as aforesaid and for securing their safety and return to the Corporation as may be agreed upon between the Corporation and the person to or for whom the same are sold supplied let fixed set up altered or removed.

Power to supply gas apparatus engines &c. for heating motive and other purposes.

10. Notwithstanding anything contained in sections 35 and 36 of the Act of 1870 the prescribed burner for testing the quality of the gas manufactured by the Corporation shall be a Sugg's London Argand burner number one with a six-inch by one-and-three-quarter-inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six-inch by two-inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade.

Mode of testing gas.



A.D. 1896.

Stopping up  
of Water  
Street.

**11.** The Corporation may stop up and discontinue and extinguish all public rights of way through in or over the road known as Water Street leading from Frederick Street through the gas and water works of the Corporation to Drummond Street in the parish of Rotherham.

## PART III.—WATER.

Works to form  
part of water  
undertaking.

**12.** The works authorised by this part of this Act shall be comprised in the water undertaking of the Corporation.

Power to  
make water-  
works.

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

Work No. 1. A well and pumping station to be situate in a field in the parish of Whiston in the West Riding of the county of York numbered 429 on the  $\frac{1}{2500}$  Ordnance map for that parish;

Work No. 2. A conduit or line of pipes commencing within the above-mentioned pumping station and terminating in a reservoir now belonging to the Corporation situate in the south-east corner of Boston Park in the parish of Rotherham:

Together with all proper wells pumps engines tanks basins gauges filter beds discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves apparatus rails sidings houses buildings and conveniences connected with or auxiliary to the intended works or any of them or necessary for inspecting maintaining repairing cleansing managing working and using the same.

Power to  
take lands  
and waters.

**14.** Subject to the provisions of this Act the Corporation may enter on take and use such of the lands in the parish of Whiston delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this part of this Act and they may for the purposes of their waterworks take collect use and appropriate all such underground springs and waters as can be taken or collected by the waterworks authorised by this Act.

Power to  
deviate.

**15.** Subject to the provisions of this Act in constructing the works by this part of this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where 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 five feet upwards and to any extent downwards. Provided that no part of the conduit or line of pipes authorised by this Act shall be constructed above the surface of the ground except so far as is shown on the deposited sections. A.D. 1896.

**16.** The Corporation may in lieu of acquiring any lands in the parish of Whiston for the purpose of the conduit or line of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making placing laying inspecting maintaining cleansing and repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts: Power to acquire easements only.

Provided that as regards any lands taken or used by the Corporation for the purpose of making placing or laying the said conduit or line of pipes where such conduit or line of pipes is made placed or laid underground the Corporation shall not (unless they give notice to treat for such lands and not merely for easements or rights therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation:

Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or right only and every notice to treat for the acquisition of an easement or right shall be endorsed with notice of this proviso.

**17.** The agreement made between the Corporation of the one part and the Greasborough Urban District Council of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto respectively. Confirmation of scheduled agreement between Corporation and Greasborough Urban District Council.

**18.** The powers conferred upon the Corporation by the Acts of 1863 1870 1877 and 1882 for constructing and maintaining the Dalton Reservoir and the works in connexion therewith and of Extension of time for completion of Dalton Reservoir.



A.D. 1896.

diverting impounding and using waters to be intercepted or collected by means of such reservoir or works are hereby revived and subject as herein-after provided may be exercised by the Corporation and the time limited by the Act of 1882 for the completion of the said Dalton Reservoir and works in connexion therewith shall be further enlarged and extended until the seventeenth day of May one thousand nine hundred and ten. Provided that on the expiration of that time the powers conferred by the Acts of 1863 1870 1877 and 1882 and this Act or any of them for the construction of the said reservoir and works or in relation thereto shall cease 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.

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

**19.** 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 lessees and 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 lessees occupiers or other persons by reason of the revival of powers and extension of time by this Act granted.

Power to acquire and hold lands necessary to prevent fouling of water supply.

**20.** The Corporation may purchase take on lease or otherwise acquire by agreement and hold any lands not exceeding altogether fifty acres which they may deem necessary for the purpose of preventing the fouling of the water of any stream wholly or partly flowing either directly or indirectly into any of the waterworks of the Corporation or for the protection of their waterworks against nuisances encroachments or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not deal with any such lands so as to create or permit a nuisance or erect any buildings on the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Further powers for prevention of pollution.

**21.** For the purpose of preventing the pollution of any reservoir aqueduct cut channel or filter bed of or belonging to the Corporation or the pollution of any spring stream or brook from which the Corporation derive any portion of their water supply and in the event of the rural district council of the district in which the pollution occurs



refusing or neglecting for the space of one month after being requested by the Corporation by notice in writing signed by the town clerk so to do to enforce the provisions of the Rivers Pollution Prevention Act 1876 with respect to such pollution of any such stream or waters the Corporation shall in addition to any other powers possessed by them have and exercise in respect of such pollution all such powers and jurisdiction as they would have or might exercise under that Act if they were the rural district council of the rural district within which the pollution occurs Provided that nothing herein contained shall limit or affect the powers of any such rural district council within their own district or shall authorise the Corporation to charge any expense incurred by them under this section on any such rural district council or on any district represented by any such rural district council And provided that proceedings shall not be taken against any person under the powers conferred upon the Corporation by this section while proceedings are pending against such person in respect of the same or a similar offence under any other Act unless the Local Government Board shall be of opinion on the representation of the Corporation that the proceedings so pending under any other Act are not being prosecuted bonâ fide and with due diligence and shall by order authorise (which they are hereby empowered to do) proceedings to be taken under the powers conferred upon the Corporation by this section.

**22.** The Corporation shall not less than fourteen days before they apply to the Local Government Board for their approval send to the West Riding of Yorkshire Rivers Board (herein referred to as "the Rivers Board") for their consideration a statement of the method intended to be adopted for the purification of the sewage and a copy of the plans sections and specifications of the works (if any) proposed in respect thereof and in case of any difference between the Corporation and the Rivers Board with respect to the said plans sections specifications or method the Rivers Board shall if they so desire be heard by the Local Government Board thereon before they approve any such works Provided that nothing in this Act shall extend to supersede limit take away lessen or alter the rights powers or jurisdiction of the Rivers Board.

For the protection of the West Riding of Yorkshire Rivers Board.

**23.** The Corporation may by agreement with the district council of any district in or through which any spring stream brook or other source of supply of any reservoir of the Corporation (constructed or authorised) may rise or flow make and maintain at the expense of both or either of the contracting parties or contribute to the cost of making and maintaining by such district council such sewage and other works within such district for preventing pollution

Power as to works for preventing pollution.

A.D. 1896.

of the water supply of the Corporation as the Local Government Board may approve and for making or contributing to the making of any such works the Corporation may apply moneys by this Act authorised to be borrowed by them for the purpose. Provided that nothing in this section shall authorise the making or maintaining of any works which shall create a nuisance.

Restriction  
on taking  
houses of  
labouring  
class.

**24.** The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose 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 of such persons who may be residing with them.

For the pro-  
tection of  
the West  
Riding  
County  
Council.

**25.** In executing the works and exercising the powers by this Act authorised so far as they affect the main roads and county and main road bridges of the West Riding of the county of York the following provisions for the protection of the county council of the West Riding (in this section called "the council") shall have effect unless otherwise agreed in writing between the council and the Corporation (that is to say) :—

(1) All conduits mains or lines of pipes to be laid in or along any main roads shall be constructed and laid in such position at the side thereof as the council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any county or main road bridge or any arch connected therewith but shall be carried over the stream crossed by such bridge by means of wrought-iron riveted tubing entirely separate from and independent of such bridge and arch and the gradient of such bridge and of the respective approaches thereto shall not be altered :

(2) All works to be constructed or laid in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the surveyor to the council and in accor-



dance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work. Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

- (3) The works shall be so executed as not to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto:
- (4) The Corporation shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this Act authorised:
- (5) Notwithstanding anything in this Act contained it shall be lawful for the council at any time or times to divert or improve any such main road and also to remove alter or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such conduit main or line of pipes is carried in the same manner as they might have diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Act had not been passed and such conduit main or line of pipes had not been constructed or laid in alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion improvement removal alteration or renewal. And in the event of any such main road or bridge or the approaches thereto in alongside or near to which the conduit main or line of pipes is laid being diverted or improved removed altered or renewed as aforesaid the Corporation shall at their own expense alter the position of the works by which such conduit main or line of pipes is carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor to the council. Provided that during the diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the council shall afford at the cost of the Corporation all reasonable facilities for temporarily carrying such conduit main or line of pipes along the main road or across the stream so as not to interrupt the continuous supply of water:
- (6) If any difference arise between the council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be

A.D. 1896.

conclusive and the costs of the reference shall be borne as he shall direct.

For the protection of the Rotherham Rural District Council.

**26.** In executing the works and exercising the powers by this Act authorised so far as they affect the roads and bridges vested in or under the control of the Rotherham Rural District Council the following provisions for the protection of the Rotherham Rural District Council (in this section called "the council") shall have effect unless otherwise agreed in writing between the council and the Corporation (that is to say):—

- (1) All conduits mains or lines of pipes to be laid in or along any roads vested in the council shall be constructed and laid in such position at the side thereof as the council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any bridge vested in the council or any arch connected therewith but shall be carried over the stream crossed by such bridge by means of wrought-iron riveted tubing entirely separate from and independent of such bridge and arch and the gradient of such bridge and of the respective approaches thereto shall not be altered:
- (2) All works to be constructed or laid in along or across or in any way affecting any road or bridge vested in the council or any approach thereto shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the surveyor to the council and in accordance with plans sections and specifications to be submitted to and approved of by him in writing before the commencement of any such work Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:
- (3) The works shall be so executed as not to stop or unreasonably interfere with the traffic of any such road or bridge or any approach thereto:
- (4) The Corporation shall pay to the council the reasonable costs in relation to the examination of the said plans sections and specifications and the superintendence by this Act authorised:
- (5) Notwithstanding anything in this Act contained it shall be lawful for the council at any time or times to divert or improve any road vested in them and also to remove alter or renew any bridge vested in them or the approaches thereto in alongside or near to which any such conduit main or line of pipes is carried in the same manner as they might have diverted or improved removed altered or renewed any such road or bridge or the approaches thereto if this Act had not been passed and such



conduit main or line of pipes had not been constructed or laid in alongside or near to such main road or bridge respectively without making any compensation to the Corporation for any expense or loss to which the Corporation may be put in consequence of such diversion improvement removal alteration or renewal And in the event of any such road or bridge or the approaches thereto in alongside or near to which the conduit main or line of pipes is laid being diverted or improved removed altered or renewed as aforesaid the Corporation shall at their own expense alter the position of the works by which such conduit main or line of pipes is carried alongside or near to any such road or bridge or the approaches thereto as aforesaid and replace the same to the satisfaction of the said surveyor to the council Provided that during the diversion improvement removal alteration or renewal of any such road or bridge as aforesaid the council shall afford at the cost of the Corporation all reasonable facilities for temporarily carrying such conduit main or line of pipes along the road or across the stream so as not to interrupt the continuous supply of water :

- (6) If any difference arise between the council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

#### PART IV.—FINANCIAL.

**27.** The Corporation may from time to time in addition to any moneys they are now authorised to borrow by this or any other Act or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow on mortgage at interest on the following securities and for the following purposes the following sums (that is to say) :—

Power to borrow.

- (A) On the security of the borough fund and borough rate—  
For paying the costs charges and expenses of this Act as defined by the section of this Act whereof the marginal note is “Expenses of Act” the sum requisite for that purpose :
- (B) On the security of the revenue of the gas undertaking of the Corporation and of the district fund and general district rate—  
For gasworks purposes twenty thousand pounds :
- (C) On the security of the revenue of the water undertaking of the Corporation and of the district fund and general district rate—  
For waterworks purposes thirty thousand pounds :

A.D. 1896.

For the purposes of the section of this Act whereof the marginal note is "Power as to works for preventing pollution" such sum or sums as the Local Government Board may sanction:

And in calculating the sums which the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts:

Provided that for the purpose of raising the money authorised to be borrowed under this section the Corporation may from time to time create and issue Rotherham Corporation Redeemable Stock under the Act of 1882 as amended by the Order of 1890 and this Act or under the Order of 1890 as amended by this Act:

Provided also that the annual contributions to the loans fund established in respect of the stock so issued for payment of dividends on and towards the redemption and extinction or purchase and extinction of stock created and issued by the Corporation for the purposes of this section shall be payable out of the borough fund or borough rate in respect of moneys borrowed on the security of that fund and rate and out of the revenue of the gas undertaking of the Corporation the district fund and general district rate in respect of moneys borrowed on the security of that revenue fund and rate and out of the revenue of the water undertaking of the Corporation the district fund and general district rate in respect of moneys borrowed on the security of that revenue fund and rate.

Provisions of Public Health Act as to mortgages to apply.

Periods for payment off of money borrowed.

**28.** Sections 236 to 239 of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to mortgages granted under the section of this Act whereof the marginal note is "Power to borrow."

**29.** The Corporation shall pay off all moneys borrowed by them under the section of this Act whereof the marginal note is "Power to borrow" within the respective periods (herein-after referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the payment of the costs charges and expenses of this Act within ten years from the date of borrowing of the same;

As to moneys borrowed for gasworks purposes within forty years from the date or dates of the borrowing of the same respectively;

As to moneys borrowed for waterworks purposes within fifty years from the date or dates of the borrowing of the same respectively;



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

A.D. 1896.

**30.** All moneys borrowed by the Corporation on mortgage under the section of this Act whereof the marginal note is "Power to borrow" shall be paid off within the prescribed periods by equal annual instalments of principal or of principal and interest or by paying annually throughout the prescribed periods into the sinking fund such several equal sums as will with accumulations by way of compound interest at a rate not exceeding three pounds per centum per annum throughout the prescribed periods be sufficient to pay off those moneys respectively within those periods :

Mode of  
repayment  
of moneys  
borrowed.

Provided that in case at any time the principal sums to be repaid are reduced by the application to such repayment of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys the payments to the sinking fund may be reduced to such extent and upon such terms as may be from time to time approved by the Local Government Board :

The Corporation may at any time apply the whole or any part of the sinking fund in or towards the purchase and extinction of the securities for the repayment of which the fund is established Provided that they pay into the fund each year and accumulate at compound interest until the expiration of the full period allowed for repayment of the sum so paid off a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate per centum per annum on which the equal annual payments to the sinking fund are based :

If the Corporation at any time apply the whole or any part of the sinking fund in or towards the purchase and extinction of securities at a premium any payments to the sinking fund shall if required by the Local Government Board be increased to such extent and upon such terms as may from time to time be approved by that Board :

The Corporation shall pending the application of the sinking fund in repayment of debt invest the same and the dividends interest and annual income thereof in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments :

Provided always that if in any year the rate of income produced by the investments of the sinking fund falls short of the rate of accumulation on which the payments to the fund are based the Corporation shall forthwith make good such deficiency out of the rates or revenues liable to make the equal annual payments to the fund :



A.D. 1896.

Provided also that in case in any year the rate of income received from the investments of the sinking fund is in excess of the rate of accumulation on which the payments to the fund are based any such excess may be applied by the Corporation in reduction of the other payments to the fund :

The first instalment or the first payment as the case may be to the sinking fund in respect of the moneys borrowed under the section of this Act whereof the marginal note is "Power to borrow" shall be paid or made within twelve months after the date of borrowing.

Power to  
re-borrow.

**31.** If the Corporation pay off any moneys borrowed by them on mortgage 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 property or out of fines or premiums on leases or by other moneys in the nature of capital other than borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed periods 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 re-borrowing.

Protection  
of lender  
from inquiry.

**32.** 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.

Annual  
return to  
Local Go-  
vernment  
Board with  
respect  
to sinking  
fund.

**33.** The town clerk of the borough shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for 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 said 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



A.D. 1896.

Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear 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 on 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 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.

**34.** The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trust to which such loan or security may be subject and whether or not the Corporation have had express or implied or constructive notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Corporation  
not to regard  
trusts.

**35.—(1)** The Corporation may if they think fit raise any moneys which they are by or in pursuance of this Act authorised to borrow in accordance with the provisions of the Local Loans Act 1875 and the periods prescribed for repayment of moneys borrowed by or in pursuance of this Act shall be the prescribed period within the meaning of the Local Loans Act 1875.

Power to  
borrow  
under Local  
Loans Act  
1875.

(2) All moneys paid into any sinking fund formed for the purpose of such discharge shall be invested or applied by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied.

**36.** In the event of the Corporation borrowing on mortgage under this Act nothing in this Act relating to any such mortgage shall prejudicially affect any charge on the revenues 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

Saving for  
existing  
charges.



A.D. 1896.

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.

Application  
of moneys  
borrowed.

**37.** All moneys borrowed under this Act shall be applied only for the purposes for which the same are respectively authorised to be borrowed and to which capital is properly applicable.

Inquiries by  
Local Go-  
vernment  
Board.

**38.—(1)** The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act 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.

(2) 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.

Power to  
Corporation  
to advance  
money to  
school board  
and local  
authorities.

**39.—(1)** The Corporation may from time to time agree with the school board for the united district of Rotherham and Brinsworth (in this Act referred to as "the school board") to lend to the school board such sum or sums being such as the school board may be by law authorised to borrow or re-borrow upon the security of any rates or funds and being such as may be necessary to pay off the balance owing of any loan or loans which may have been contracted by the school board and of any loan or loans to which the school board may become liable on such terms and conditions consistent with the provisions of this section as may be agreed. Provided that the whole of the sum or sums so lent shall be repaid to the Corporation by the school board within the period or periods respectively within which the school board are required to repay the original loan or loans respectively.

(2) Whenever the school board are desirous of raising money which by any Act of Parliament or sanction of a Government department they are authorised to borrow they may apply to the Corporation to lend such money or any part of it and the Corporation are hereby authorised to lend the same to the school board. Provided that any sum so lent shall be repaid to the Corporation by the school board within the period within which the school board may be



required to repay the loan by the Act of Parliament or sanction under which the money is borrowed.

(3) Any agreement under the foregoing sub-sections of this section may be made by resolutions passed respectively by the council and by the school board.

(4) Any sum or sums which the Corporation shall agree to lend under the foregoing sub-sections of this section may be raised either by the issue of Rotherham Corporation Redeemable Stock according to the provisions of the Act of 1882 as amended by the Order of 1890 and this Act or according to the provisions of the Order of 1890 as amended by this Act or by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate and the provisions of sections 236 to 238 of the Public Health Act 1875 shall apply to all money raised by borrowing on mortgage under this sub-section.

(5) The following provisions shall apply to moneys raised or borrowed by the Corporation for the purpose of loans to the school board :—

(A) The sum shall be lent by the Corporation to the school board for a period not exceeding that for which the school board is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined :

(B) If any sum payable to the Corporation for principal in respect of any sum lent to the school board shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the loans fund as herein-after provided the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

(6) The following provisions shall apply to moneys borrowed by the Corporation for the purpose of loans to the school board and not raised by the issue of stock :—

(A) Every sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the school board :

(B) All sums received from the school board for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund :

(C) All sums received from the school board for principal and all sums set apart out of the borough fund under sub-section

A.D. 1896.

(5) (B) of this section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the school board.

(7) The town clerk of the borough shall within twenty-one days after the expiration of each year ending on the twenty-fifth day of March if during the twelve months next preceding the said twenty-fifth day of March any sum is payable to the Corporation in respect of moneys lent by them to the school board and raised otherwise than by the issue of stock or at any other time when the Local Government Board may require such a return to be made 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 for the year next preceding the making of such return the amounts which have been received from the school board for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under the foregoing sub-sections of this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(8) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest as required by sub-section (6) (c) of this section any sum by that sub-section required to be applied or invested or have misapplied any of the investments or the interest thereof or the produce of the sale thereof the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested



and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1896.

(9) The following provisions shall apply to moneys raised by the Corporation by the issue of stock for the purpose of loans to the school board:—

(A) All sums received from the school board for interest shall be paid into the loans fund established in respect of the stock so issued and shall be applied in paying the dividends on such stock:

(B) All sums received from the school board for principal and all sums set apart out of the borough fund in pursuance of subsection 5 (B) of this section shall be paid into the loans fund established in respect of the stock so issued and shall be applied in the redemption or purchase and extinction of such stock and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the school board:

(C) If the sum received as interest from the school board or derived from such investments as aforesaid is more than is required for the purpose to which the same is to be applied as above mentioned the surplus may be applied in reduction of any contributions payable out of Corporation revenues in respect of dividends on stock.

(10) If any doubt shall arise as to how much of any sum received by the Corporation from the school board is to be regarded as principal or interest the question shall be determined by the Local Government Board.

(11) The Corporation may lend to any board of guardians or burial board whose administrative area is wholly or partly within the borough and any such board may borrow from the Corporation money in like manner as is herein-before provided with regard to the school board and all the foregoing provisions relating to loans to the school board shall apply *mutatis mutandis* to every such board of guardians or burial board.

40. Whereas by section 5 of the Act of 1882 the Corporation are empowered from time to time by resolution of the council to create Rotherham Corporation Redeemable Stock (herein referred to as "redeemable stock") in accordance with the provisions of that Amendment  
of financial  
clauses in Act  
of 1882.

A.D. 1896.

Act and it is provided that all redeemable stock at any time and from time to time created shall be created on and subject to such terms and conditions as that the same shall be of one and the same class of stock:

And whereas the Corporation have in pursuance of the Act of 1882 created and issued redeemable stock bearing dividend at the rate of four pounds per centum per annum:

And whereas by section 8 of the Act of 1882 the Corporation are required to establish a loans fund for payment of dividends on and for redemption and extinction or purchase and extinction of all Corporation stock:

And whereas by sub-section (3) of section 10 of the Act of 1882 it is enacted that the amounts of the annual contributions to the loans fund established under that Act for redemption and extinction or purchase and extinction of corporation stock shall subject to reduction as therein mentioned be such amounts as with accumulations at the rate of three and a half per centum per annum shall be from time to time calculated to be sufficient to purchase at its nominal amount the portion of stock towards the purchase and extinction whereof those contributions are payable within the periods therein mentioned:

And whereas by sub-section (5) of section 10 of the Act of 1882 provision is made for payment of the sums therein mentioned into the loans fund established under that Act if the extinction of any portion of Corporation stock or any part thereof is accelerated by the application to such extinction of any part of that loans fund:

And whereas by sub-section (1) of section 12 of the Act of 1882 the Corporation are required to pay into the loans fund established under that Act and to carry to the proper separate account forming part of the general account of that loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation on the revenues whereof any Corporation stock is charged:

And whereas by the Order of 1890 the Corporation are empowered from time to time to create and issue a new class of redeemable stock bearing such dividend not exceeding three pounds ten shillings per centum per annum as the Corporation may by the resolution for such issue determine and it is provided that all stock at any time and from time to time created under the Act of 1882 as altered by the Order of 1890 shall be created on and subject to such terms and conditions as that the same shall be of one and the same class of stock and provision is made for the establishment of a separate



loans fund to be called the Rotherham Corporation Consolidated Loans Fund (No. 2) for payment of dividends on all stock and for redemption and extinction or purchase and extinction of all stock created and issued under the Act of 1882 as altered by the Order of 1890:

And whereas the Corporation have in pursuance of the Order of 1890 created and issued redeemable stock bearing dividend at the rate of three pounds per centum per annum:

And whereas the Corporation have applied a portion of the loans fund established under the Act of 1882 in the purchase of three pounds per centum redeemable stock created and issued under the Order of 1890 and it is expedient that the Corporation issue as herein-after provided three pounds per centum redeemable stock and apply the proceeds of such issue in repaying to such loans fund the amount applied thereout for the purchase of three pounds per centum redeemable stock and any loss occasioned by such application:

And whereas it is expedient that the financial provisions of the Act of 1882 and of the Order of 1890 be in divers respects amended:

Be it therefore enacted as follows:—

(1)—(A) In this section—

The expression “the Loans Fund (No. 1)” means the Rotherham Corporation Consolidated Loans Fund established under the Act of 1882;

The expression “the Loans Fund (No. 2)” means the Rotherham Corporation Consolidated Loans Fund (No. 2) established under the Order of 1890;

(B) Where in the Act of 1882 as amended by the Order of 1890 and this Act or in the Order of 1890 as amended by this Act or in this Act a loans fund is without any distinguishing number referred to the reference shall be deemed to be to the particular loans fund which ought to be referred to and if any question shall arise as to which is referred to it shall be determined by the Local Government Board.

(2)—(A) The Corporation shall within six months after the passing of this Act issue so much (but not more) of the Rotherham Corporation Redeemable Three per Cent. Stock created under the Order of 1890 and bearing dividend as from the twenty-ninth day of September one thousand eight hundred and ninety-six as shall be sufficient to raise the amount required to repay to the Loans Fund (No. 1) the amount applied thereout for the purchase of three pounds per centum redeemable stock and any loss occasioned by such application and shall apply the proceeds of such issue in recouping such loans fund the

A.D. 1896.

amount applied thereout for the purchase of three pounds per centum redeemable stock and any loss occasioned by such application :

- (B) The proceeds of the issue of stock under this sub-section shall be paid into the loans fund in substitution for the stock purchased as aforesaid out of the Loans Fund (No. 1) and such last-mentioned stock shall be forthwith cancelled :
- (c) As from the said twenty-ninth day of September one thousand eight hundred and ninety-six the Corporation shall continue to make payments to the Loans Fund (No. 2) for payment of dividends and for redemption and extinction or purchase and extinction of the stock issued under this sub-section on the like basis and out of the same funds as the payments to the Loans Fund (No. 2) for similar purposes were made in respect of the stock purchased as aforesaid out of the Loans Fund (No. 1) and shall apply any moneys standing at that date to the credit of the Loans Fund (No. 2) (redemption of stock) in or towards the redemption and extinction or purchase and extinction of the three per centum redeemable stock of the Corporation including stock issued under this sub-section and the Corporation shall not in respect of any period subsequent to the said twenty-ninth day of September one thousand eight hundred and ninety-six make any payment to the Loans Fund (No. 2) in respect of the stock purchased as aforesaid out of the Loans Fund (No. 1) :
- (D) If any question shall arise as to the amount of any payment by sub-section 2 (c) of this section required to be made or the fund from which any such payment should be made it shall be determined by the Local Government Board.
- (3) Sub-section (3) of section 10 of the Act of 1882 is hereby amended by the insertion therein of the words "at such a rate not exceeding the rate of three pounds per centum per annum as the Corporation shall from time to time determine" in lieu of the words "at the rate of three pounds and ten shillings per centum per annum."
- (4) Sub-section (5) of section 10 of the Act of 1882 is hereby repealed and in lieu thereof the following provisions shall be inserted in that section viz. :—
- (5) If before the expiration of the period prescribed by sub-section (3) of this section as the basis for the calculation of the payments to the loans fund in respect of any portion of stock the Corporation apply in the redemption or purchase and extinction of stock any part of the loans fund then a sum equal to the interest which the part of the



loans fund so applied would have produced at the rate per centum on which the payments to the loans fund are calculated shall in each year until the expiration of the period prescribed as aforesaid be paid into the loans fund out of the revenues of the Corporation chargeable with payment of the contributions to the loans fund in respect of the amount of stock so redeemed or purchased and extinguished :

- (6) (a) If it appears to the Corporation at any time that the contributions which are being made to the loans fund will not be sufficient to redeem the amount of stock in respect of which such contributions are made within the time prescribed by sub-section (3) of this section as the basis for the calculation of the payments to the loans fund in respect of such stock the amount of such contributions shall be increased to such extent as will be sufficient for that purpose and the amount of any such increased contributions shall be paid out of the revenues of the Corporation chargeable with the payment of the contributions Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the contributions to such extent as the Board may direct :
- (b) The Corporation with the consent of the Local Government Board shall at any time have power to reduce the contributions to be made to the loans fund as aforesaid either temporarily or permanently in any case in which it appears to that Board that such contributions would if maintained be more than sufficient to redeem the amount of stock in respect of which such contributions are made within the period prescribed as aforesaid :
- (c) If the amount in the loans fund at any time is in the opinion of the Local Government Board sufficient with accumulations to redeem any amount of stock within the period or periods prescribed as aforesaid the Corporation with the consent of that Board may discontinue the payment of contributions to the loans fund in respect of such stock.
- (5) Section 17 of the Act of 1882 is hereby repealed except so far as the same may have been acted upon and in lieu thereof the following provisions shall take effect as if inserted in that Act viz. :—
- (1) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as

A.D. 1896.

rents and profits of the land and other property of the Corporation or being money paid into the loans fund as interest on cash balances received by the Corporation or being other money paid into the loans fund but not being capital or in the nature of capital the Corporation may deal with the same in accordance with the provisions of sub-section (3) of this section :

- (2) Where any money standing on a separate account in the loans fund and required by this part of this Act to be invested and accumulated produces in any year a sum in excess of that which it would have produced at the rate of interest on which the payments to the loans fund are calculated the Corporation may if they think fit deal with the excess so produced in accordance with the provisions of sub-section (3) of this section :
- (3) The Corporation may if they think fit from time to time apply the money described in sub-section (1) of this section and the excess referred to in sub-section (2) of this section to either of the purposes following or partly to one and partly to the other in such proportions as the Corporation from time to time may consider equitable and expedient (that is to say):—
  - (a) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portion of Corporation stock in relation to which the separate account on which the money or interest and annual proceeds is or are standing is kept ;
  - (b) In reduction of the contributions out of the Corporation revenues payable into the loans fund for redemption and extinction or purchase and extinction of such portion of stock.
- (6) The provisions of the Act of 1882 as amended by the Order of 1890 and this Act shall apply to the Loans Fund (No. 2) as well as to the Loans Fund (No. 1).
- (7) The Corporation shall not apply any part of the Loans Fund (No. 1) in purchasing or redeeming any stock created under the Order of 1890 or any part of the Loans Fund (No. 2) in purchasing or redeeming any stock created under the Act of 1882.
- (8) So long as any moneys are required to be paid to the Loans Fund (No. 1) under the provisions of sub-section (1) of section 12 of the Act of 1882 as amended by this section no moneys shall be required to be paid to the Loans Fund



(No. 2) under that sub-section as amended by this section  
 Provided that if any money to which that sub-section as  
 amended by this section applies shall arise from any sale lease  
 or other disposition of land or other property which shall have  
 been purchased or otherwise acquired by means of moneys  
 raised by stock created under the Order of 1890 or by means  
 of moneys which shall have been converted into stock so created  
 then the money so arising shall be paid into the Loans Fund  
 (No. 2). A.D. 1896.

**41.** All penalties imposed for offences against the provisions of  
 this Act may be recovered and applied in the manner provided by  
 sections 251 and 254 of the Public Health Act 1875 respectively as  
 if such offences were offences against that Act. Penalties.

**42.** The costs charges and expenses preliminary to and of and  
 incidental to the preparing and applying for and the 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 of the borough or out  
 of any other of the public funds or rates under the control of the  
 council or out of moneys by this Act authorised to be borrowed for  
 the purpose and shall be debited to such accounts as the Corporation  
 shall think fit. Expenses  
 of Act.

A.D. 1896.

---

**SCHEDULES** referred to in the foregoing Act.

---

**SCHEDULE I.**

---

**GAS LANDS.**

All those pieces or parcels of land being the site of the Rotherham Gasworks together with the lands adjoining thereto now the property of the Corporation the whole forming one block of property containing an area of  $3\frac{4}{5}$  acres or thereabouts and bounded on the north-west side thereof by the River Don on the south-west side thereof by Bridge Street on the south and south-east sides thereof by Frederick Street and the Rotherham Corporation Waterworks pumping station and property belonging to or reputed to belong to Thomas Marrian and Co. Limited Annie Eleanor Hanby Walter Henry Mycock and Henry Brown and on the north-east side thereof by Drummond Street and wholly situate in the borough of Rotherham.

---

**SCHEDULE II.**

---

**AGREEMENT BETWEEN THE ROTHERHAM CORPORATION AND THE  
GREASBOROUGH LOCAL BOARD.**

This indenture is made the thirty-first day of December one thousand eight hundred and ninety-one between the mayor aldermen and burgesses of the borough of Rotherham in the county of York acting by the council as the urban sanitary authority (herein-after called "the urban authority") of the one part and the local board for the district of Greasborough in the said county of York being the urban sanitary authority for such district (herein-after called "the local board") of the other part Whereas the local board have applied to the urban authority to supply them with water for domestic and other purposes and for permission to enable the local board to convey and distribute the water so supplied wherever the same may be required within their district And whereas the urban authority have agreed to supply the local board with water to be used for domestic and other purposes within the district of the local board upon the terms and conditions herein-after mentioned Now this indenture witnesseth that in consideration of the premises the urban authority 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 local board and the local board so far as any of the following stipulations and agreements are to be performed and observed



on their part do hereby covenant and agree with the urban authority as follows (that is to say):— A.D. 1896.

1. The urban authority shall supply and the local board shall take for a period of twenty years from the date hereof such a quantity of water as they may require for domestic and other purposes within the district of the local board and as the urban authority may be able to supply after providing for all the requirements of the district of the urban authority. The urban authority shall deliver the same in bulk at a certain point on the Rotherham and Greasborough Road at or near where the district of Greasborough adjoins the borough of Rotherham as shown on the plan hereunto annexed or at some other convenient place near thereto to be agreed upon by both parties to these presents at the rate per one thousand gallons and payable on the days herein-after mentioned.

2. 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 urban authority to the satisfaction of the local board.

3. The urban authority 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 carrying the water through the district of the urban authority to the point or points herein-before mentioned from which point the said water shall be conveyed and distributed by and at the expense of the local board.

4. The 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 urban authority every quarter ending the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fifth day of December in every year a sum equal to nine pence for every one thousand gallons of the quantity so supplied.

5. Provided always and it is hereby agreed by and between the said parties hereto that if at any time such supply of water cannot be kept up by reason of any unavoidable cause the urban authority shall not be liable for any penalty or damages for or on account thereof but the urban authority shall use all due diligence in keeping up such supply and during such discontinuance of the supply of water as aforesaid the local board shall not be called upon to pay to the urban authority any of the rents or other moneys reserved and made payable under this agreement.

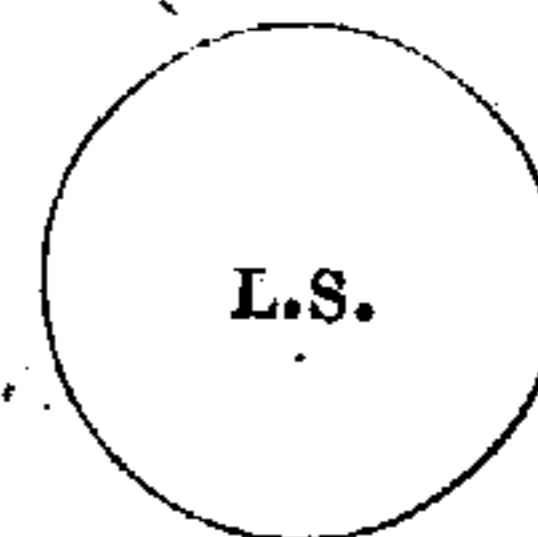
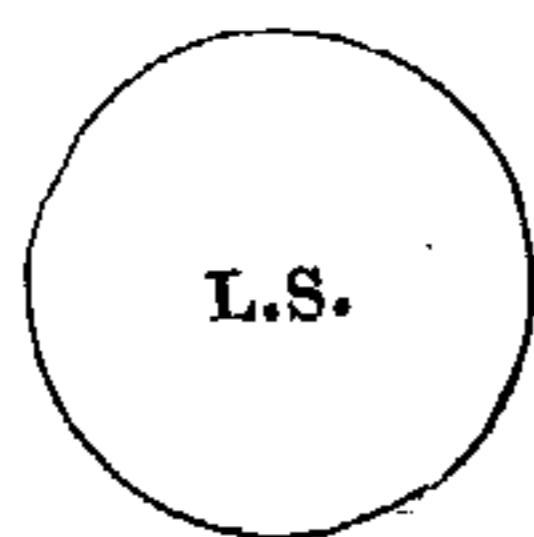
6. The local board shall and will also pay to the urban authority from time to time and at all times after the commencement of such supply a yearly sum equal to ten per centum upon the cost price of such meter or meters or instruments for measuring water and the meter-house and premises containing same so provided and fixed by the urban authority as aforesaid by four equal quarterly payments on the days and times provided in clause 4 for the payment in respect of the said water.

7. So long as the urban authority shall supply the local board with a sufficient quantity of water according to the terms of these presents the local board shall not obtain a supply of water from any other source than that of the urban authority but if the urban authority shall be unable from any cause to continue a good and sufficient supply to the local board the local

A.D. 1896. board shall during the period that the urban authority may be unable to continue such supply but during that period only obtain a supply from any source that may be deemed expedient.

8. If any dispute difference or question shall at any time arise between the said respective parties as to the construction 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 dispute difference or question shall be referred to two arbitrators or their umpire in the manner and subject to the regulations provided by the Public Health Act 1875 in cases of arbitrations under such Act.

In witness whereof the urban authority and the local board have hereunto affixed their respective common seals the day and year first above written.



The common seal of the above-named local board was hereunto affixed in the presence of EDWARD JACKSON Clerk.

---

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.