



### CHAPTER ccxlv.

An Act to empower the Corporation of Lowestoft to A.D. 1901.  
 construct and work tramways and to construct street  
 improvements and to make further provision in regard  
 to the electric lighting undertaking of the Corporation  
 and in regard to the seashore and recreation grounds  
 in the Borough the lands known as Lamp Lands and  
 the health local government and improvement of the  
 Borough and for other purposes. [9th August 1901.]

**W**HEREAS the borough of Lowestoft in the county of Suffolk  
 is a municipal borough under the management and local  
 government of the mayor aldermen and burgesses of the borough  
 of Lowestoft (in this Act called "the Corporation"):

And whereas it is expedient to empower the Corporation to  
 construct and work the tramways mentioned in this Act and to  
 confer upon the Corporation the powers in regard to the tramways  
 contained in this Act:

And whereas the tramways authorised by this Act will be entirely  
 situate in the borough except Tramway No. 1 about 1.5 chains  
 in length and a part of Tramway No. 4 about two chains in length  
 which will be situate in the parish of Pakefield:

And whereas the tramway and part of a tramway which are  
 authorised to be constructed without the borough will be useful  
 only for forming a junction with the light railway herein-after  
 mentioned and it is expedient to render the provisions of section 43  
 of the Tramways Act 1870 empowering the local authority of any  
 district in which tramways are constructed to acquire such tramways  
 inapplicable to such tramway and part of a tramway:

And whereas it is expedient to empower the Corporation to  
 acquire lands for and to widen and improve the streets and roads  
 referred to in this Act:

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And whereas the National Electric Traction Company Limited are promoting an Order under the Light Railways Act 1896 to incorporate a company to be known as the East Anglian Light Railways Company and to empower that company to construct light railways from the borough to Kessingland in the said county of Suffolk :

And whereas an agreement has been entered into between the Corporation of the first part the said National Electric Traction Company Limited of the second part and the Drake and Gorham Electric Power and Traction Pioneer Syndicate Limited of the third part for the leasing in certain events to the said East Anglian Light Railways Company of the tramways authorised by this Act and for the purchase in certain events by the Corporation of the light railways to be authorised by the said Order and the said agreement is set forth in the Second Schedule to this Act and it is expedient that the same should be confirmed and that provision should be made for carrying it into effect as in this Act contained :

And whereas by the Lowestoft Electric Lighting Order 1898 (confirmed by the Electric Lighting Orders Confirmation (No. 10) Act 1898) the Corporation were empowered to supply electrical energy for public and private purposes within the borough and it is expedient to make further provision in regard to their electric lighting undertaking :

And whereas it is expedient that the seaward boundary of the borough should be defined and that the Corporation should be invested with further powers of control over the seashore of the borough :

And whereas in pursuance of the provisions of the Public Health Act 1875 the Corporation acquired for the purposes of a public pleasure ground certain lands in the borough known as the Denes containing upwards of 178 acres and adjoining the seashore and parts of the said lands are now being used and have for many years been used for the purpose of drying nets and other purposes incidental to the fishing industry and it is expedient to confer further powers upon the Corporation for the management and regulation of the Denes and to make further provision in regard to the pleasure and recreation grounds in the borough :

And whereas by the Lowestoft Improvement Act 1854 after reciting that by three several deeds poll or instruments in writing dated respectively the fifth day of April one thousand seven hundred and ninety-five the twentieth day of March one thousand eight hundred and one and the twenty-seventh day of February one thousand eight hundred and five certain lands situate in the



parish of Lowestoft were vested in trustees upon trust to permit the churchwardens for the time being of the parish of Lowestoft to receive and take all the rents and profits thereof and to apply the same for or towards the reparation and amendment of the pavements of the streets of the said parish of Lowestoft and for the lighting of the town of Lowestoft with lamps and for the repairing and renewing of the pavements of the streets of that town and for purchasing all things necessary for those purposes and to apply the said rents and profits when not wanted for those purposes or the surplus thereof to such other purposes as the churchwardens and inhabitants of Lowestoft from time to time should direct. And after reciting several Acts of Parliament relating to the said lands which with other lands mentioned in the Act of 1854 were called Lamp Lands it was enacted (section 45) that on and from the commencement of that Act all the Lamp Lands and other lands wharves quays buildings moneys stocks funds securities claims and demands and other real and personal estates and effects of or to which any persons or person should immediately before the commencement of the Act be seised possessed or in any way entitled as trustees or trustee for the purposes and upon the trusts of the recited deeds poll and the recited Acts or any of them or for or to be dealt with or disposed of by or according to the direction of the then existing commissioners should be vested in the commissioners appointed by or in pursuance of the said Act of 1854 upon the trusts and for the purposes to upon or for which the same respectively should then be held or subject nevertheless to all leases mortgages incumbrances debts contracts claims and demands immediately before the commencement of the Act subsisting and affecting the same Lamp Lands and real and personal estates and effects or any part thereof of such trustees or trustee respectively in respect thereof:

And whereas further provisions were made in regard to the Lamp Lands by sections 46 to 55 of the Act of 1854:

And whereas it is expedient to extend the powers of the Corporation in regard to the sale and disposal of the Lamp Lands and the application of the proceeds of any such sale and of the revenue derived from the Lamp Lands or from any investments of moneys received upon the sale or disposition thereof:

And whereas it is expedient to make further and better provision with reference to the streets and buildings in the borough and the health local government improvement and management thereof:

And whereas in pursuance of the Lowestoft Water Gas and Market Act 1853 a market was established upon certain lands situate in the



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borough at the junction of the High Street with Compass Lane and the said market has been acquired by the Corporation in pursuance of the powers conferred upon them by the Public Health Act 1875 :

And whereas for many years the said lands have not been used for the purposes of a market and it is expedient to empower the Corporation to appropriate them to any purpose they may think fit or to sell and dispose of the same :

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

And whereas estimates have been prepared by the Corporation for the purchase of lands for and the execution of the following works authorised by this Act and such estimates are as follows :—

	£
For the construction of Tramways Nos. 1 2 3 3a and 4 authorised by this Act and for other the purposes of the tramway undertaking of the Corporation - -	60,000
For and in connexion with the purchase of the lands which the Corporation are authorised to purchase for street improvements and the widening and improvement of streets and roads - - -	45,000

And whereas the several works included in such estimates respectively 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 council at a meeting held on the twenty-eighth day of November one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Lowestoft Standard* 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 borough rate and the district fund and general district rate :

And whereas such resolution was published twice in the *Lowestoft Journal* a local newspaper published and circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the first day of May one thousand nine hundred and one 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. 1901.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the 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 county of East Suffolk 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 King'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) :—

## PART I.

### PRELIMINARY.

1. This [Act may be cited as the ]Lowestoft Corporation Short title.  
Act 1901.

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

- Part I.—Preliminary.
- Part II.—Tramways.
- Part III.—Lands and Street Improvements.
- Part IV.—Electrical Energy.
- Part V.—Seashore.
- Part VI.—Open Spaces.
- Part VII.—Lamp Lands.
- Part VIII.—Streets and Buildings.
- Part IX.—Milk Supply (Tuberculosis).
- Part X.—Sanitary Matters.
- Part XI.—Common Lodging Houses.
- Part XII.—Advertisements.
- Part XIII.—Police Fire Brigade and Street Traffic.
- Part XIV.—Hackney Carriages and Porters.
- Part XV.—Finance.
- Part XVI.—Miscellaneous.

Division of  
Act into  
parts.

3. The following Acts and parts of Acts so far as they are applicable for the purposes and, are not inconsistent with the Incorporation of Acts.



A.D. 1901. provisions of this Act are hereby incorporated with and form part of this Act namely:—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) :

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

Interpreta-  
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Lowestoft;

“The borough” means the borough of Lowestoft;

“The council” means the council of the borough;

“The mayor” “the town clerk” “the surveyor” “the inspector of nuisances” “the borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the mayor the town clerk the surveyor the inspector of nuisances the borough fund the borough rate the district fund and the general district rate of the borough;

“Medical officer” includes the medical officer of health of the borough and any person duly authorised to act temporarily as medical officer of health of the borough;

“The tramways” means the tramways authorised by this Act;

“Mechanical power” includes steam electric and every other motive power not being animal power;

“Engine” includes motor;

“The Act of 1854” means the Lowestoft Improvement Act 1854;

“Lamp Lands” means such of the lands vested in the Lowestoft Improvement Commissioners by section 45 of the Act of 1854 as have not been disposed of by such commissioners or by the Corporation [and any other lands for the time being held by the Corporation upon the trusts and for the purposes upon and for which the Corporation hold such first-mentioned lands];

“Dairy” includes any farm farmhouse cow-shed milk-store milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

“Dairyman” includes any cowkeeper purveyor of milk or occupier of a dairy; A.D. 1901.

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

“Hackney carriage” includes any carriage to which the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages or the provisions of the Town Police Clauses Act 1889 apply;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuity certificates rentcharges or securities payable to bearer) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation in Great Britain (other than the Corporation) or of any other local authority as defined by section 34 of the Local Loans Act 1875;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates or contributions leviable by or on the order or precept of the Corporation;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction.

## PART II.

### TRAMWAYS.

#### *Construction of Tramways.*

5. Subject to the provisions of this Act the Corporation may Power to make tramways.  
make form lay down use and maintain the tramways herein-after



A.D. 1901. — described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turn-tables turnouts crossings passing places posts poles brackets wires waiting rooms stables carriage houses sheds buildings engines works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act are—

Tramway No. 1 (1·5 chains in length whereof 1 chain will be single line and 0·5 chain will be double line) situated in the main road leading from Lowestoft to the village of Kessingland in the parish of Pakefield commencing 2·5 chains south-west of Pakefield Street and terminating at the commencement of Tramway No. 4 herein-after referred to :

Tramway No. 2 (1 mile 5 furlongs 7·8 chains in length whereof 7 furlongs 6·6 chains will be single line and 6 furlongs 1·2 chains will be double line) in the borough commencing by a junction with Tramway No. 4 at its termination passing thence across the swing bridge over the entrance to the inner harbour along London Road and High Street into Yarmouth Road and terminating in the last-named road at the boundary of the borough :

Tramway No. 3 (3 furlongs 9·4 chains in length whereof 3 furlongs 0·4 chain will be single line and 9·0 chains will be double line) in the borough commencing by a junction with Tramway No. 2 in Yarmouth Road 0·1 chain south-east of Royal Avenue passing thence along Corton Road and terminating therein at the boundary of the borough :

Tramway No. 3<sub>A</sub> (double line 1·55 chains in length) in the borough commencing in Corton Road by a junction with Tramway No 3 1·4 chains north of Yarmouth Road passing thence into Yarmouth Road and terminating therein by a junction with Tramway No. 2 1·75 chains north-west of Royal Avenue :

Tramway No. 4 (1 mile 4 furlongs 2·55 chains in length whereof 1 mile 1·5 chains will be single line and 4 furlongs 1·05 chains will be double line) commencing in the parish of Pakefield by a junction with Tramway No. 1 in the road leading from Lowestoft to the village of Kessingland 1·1 chains south-west of Pakefield Street passing thence along the said road and into the borough by way of London Road South and terminating by a junction with Tramway No. 2 in the southern approach road to the swing bridge across the entrance to the inner harbour 0·7 chain south of the imaginary centre line



of the said entrance at the point where it is crossed by the bridge: A.D. 1901.

Tramway No. 7 (1 mile 3 furlongs 6·6 chains in length whereof 7 furlongs 3·5 chains will be single line and 4 furlongs 3·1 chains will be double line) in the borough commencing by a junction with Tramway No. 2 in London Road 0·7 chain north of Commercial Road passing thence along Waveney Road Battery Green Road Whapload Road and the Ravine into Yarmouth Road and terminating in the last-named road by a junction with Tramway No. 2 0·2 chain south of Royal Avenue :

Tramway No. 7A (double line 1·3 chains in length) in the borough commencing by a junction with Tramway No. 7 in Waveney Road 1 chain east of London Road passing thence into London Road and terminating therein by a junction with Tramway No. 2 1·15 chains north of Waveney Road :

Tramway No. 7B (double line 1·5 chains in length) in the borough commencing by a junction with Tramway No. 7 in the Ravine 1·35 chains east of Yarmouth Road passing thence into Yarmouth Road and terminating therein by a junction with Tramway No. 2 2·0 chains south-east of Royal Avenue :

Tramway No. 8 (1 mile 7·2 chains in length whereof 4 furlongs 6 chains will be single line and 4 furlongs 1·2 chains will be double line) in the borough commencing by a junction with Tramway No. 2 in London Road 0·8 chain south of Denmark Road passing thence along Denmark Road Bevan Street Raglan Street Beccles Road St. Peter's Street Crown Street St. Margaret's Plain Albert Street and Park Road into Yarmouth Road and terminating in the last-named road by a junction with Tramway No. 2 0·65 chain north-west of Park Road :

Tramway No. 8A (double line 1·15 chains in length) in the borough commencing by a junction with Tramway No. 8 in Bevan Street 0·7 chain north-west of London Road passing thence into London Road and terminating therein by a junction with Tramway No. 2 0·7 chain north of Denmark Road :

Tramway No. 9 (1 mile 3 furlongs 4·6 chains in length whereof 1 mile 0·5 chain will be single line and 3 furlongs 4·1 chains will be double line) in the borough commencing by a junction with Tramway No. 8 at the commencement of Tramway No. 8A passing thence along Denmark Road Rotterdam Road

A.D. 1901. and Beccles Road into St. Peter's Street and terminating in the said street by a junction with Tramway No. 8 0·6 chain east of Raglan Street.

For protec-  
tion of  
Great  
Eastern  
Railway  
Company.

6. Whereas Tramway No. 2 is intended to be laid upon the swing bridge (herein-after referred to as "the swing bridge") of the Great Eastern Railway Company (herein-after referred to as "the company") where the swing bridge crosses the Lowestoft Harbour and to cross on the level the railways or sidings of the company in the London Road:

And whereas Tramway No. 7 is intended to cross on the level the railways or sidings of the company in the London Road aforesaid in the manner shown upon the deposited plans Therefore the following provisions for the protection of the company shall notwithstanding anything contained in this Act or shown upon the deposited plans or sections apply and have effect:—

(1) The Corporation shall not for any of the purposes of this Act without in every case the previous consent of the company in writing under their common seal purchase take or acquire any land or property of the company neither shall they without the like consent enter upon or interfere with the swing bridge or with any railway siding or other work from time to time belonging to or worked or used by the company except only so far as shall be necessary for the purpose of making maintaining working and using the tramways as the same are according to this Act to be constructed:

(2) Tramway No. 2 between its junction with Tramway No. 4 and Suffolk Road shall be constructed as a double line in the position and manner shown on the deposited plans and between the last-mentioned points the Corporation shall not construct any turn out or passing place on any part thereof nor permit any portion of Tramway No. 2 between such points to be used as a terminus or place for changing horses or engines motors or other vehicles but nothing contained in this subsection shall prevent the Corporation from constructing Tramways Nos. 7 7A and 8 between the said points as shown on the deposited plans and sections:

(3) The company shall not be liable to pay any compensation for any loss damage or injury which may happen to any person animal carriage engine or thing using the swing bridge in connexion with Tramway No. 2 by reason of the condition or insufficiency of the swing bridge:



(4) Tramways Nos. 2 and 7 where it is intended to lay the same respectively on the swing bridge and upon or across the said railways or sidings of the company and any apparatus and works in connexion with such tramways shall be constructed and maintained only in accordance with plans and sections to be agreed upon by the respective engineers of the Corporation and the company or in default of agreement to be settled by arbitration and under the superintendence and to the reasonable satisfaction of the principal engineer of the company and at the costs in all things of the Corporation (but as to such superintendence only in case the company shall require the same) and such tramways and apparatus and works together with the roadways on the swing bridge shall be kept in constant and efficient repair to the reasonable satisfaction of such engineer of the company by and at the costs in all things of the Corporation :

(5) If by the execution of any of the works or by any operations or proceedings of the Corporation or the failure of any such works or operations or by any act or omission of the Corporation or of their contractors or of their respective agents servants or employees or by the working or user of Tramways Nos. 2 and 7 or the apparatus and works connected therewith the said Lowestoft Harbour or the swing bridge or the railways or sidings or other works of the company is or are injured or damaged or any impediment or obstruction arise or be caused to the traffic in the said harbour or on the swing bridge or railways or sidings such injury or damage shall be forthwith made good by the Corporation at their cost and in all things to the reasonable satisfaction of such engineer of the company and on the failure of the Corporation so to do or to keep the said tramway apparatus and works on the swing bridge in such constant and efficient repair the company may make good the same and effect such repairs as may be requisite and recover from the Corporation the expense thereof respectively as also compensation for any such impediment or obstruction of traffic and all sums damages losses costs and expenses which they may pay incur or be put unto whether from accident or otherwise caused by or arising out of such working or user :

(6) The company shall not by reason of any of the works authorised by this Act be prevented from or retarded in carrying out any work or works which they now are or may hereafter be authorised to carry out in relation to the swing

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bridge the Lowestoft Harbour or Fish Market or any of their lands railways tramways or sidings or any repairs or maintenance thereof and if in the carrying out of any such work or works in relation thereto it shall in the reasonable opinion of the engineer of the company at any time or times be necessary so to do they may temporarily take up and remove any part or parts of Tramways Nos. 2 and 7 where they respectively cross the swing bridge and the said railways and sidings of the company for such time as may be absolutely necessary and stop obstruct or impede the traffic upon such parts of those tramways without being liable to pay any compensation in respect of any loss or damage that may arise from or by reason of any such acts but the company shall replace the part of the tramway taken up or removed as soon as possible after the necessity for the taking up or removal thereof ceases :

(7) If the engineer of the company shall reasonably be of opinion that any strengthening of the swing bridge or any of the machinery and works connected therewith is necessary by reason of the carriages or other vehicles used on the tramway passing over the swing bridge such strengthening shall be effected by the company in all things at the reasonable expense of the Corporation and the Corporation shall also pay to the company all additional expenses which they may reasonably incur or be put to in effecting any such strengthening or in carrying out any reconstruction alterations or repairs to the swing bridge by reason of the existence thereon of Tramway No. 2 or any of the apparatus or works connected therewith If it shall be necessary in effecting any such strengthening reconstruction alterations or repairs that the working and user of the tramway over the swing bridge shall be temporarily taken up or removed the provisions of subsection (6) hereof shall apply to such taking up or removal :

(8) The Corporation shall bear and on demand pay to the company the reasonable expense of the employment by the company during the execution of any works affecting the swing bridge and any railway or sidings of the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for watching and signalling the same during the execution of any such work of the Corporation and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the



acts or defaults of the Corporation or their contractors or any person in the employ of the Corporation or of their contractors with reference thereto :

- (9) No tramcar or other vehicle or carriage used on the tramways shall be stopped or permitted to be stopped on the swing bridge or within twenty-five yards of either end thereof unless such stoppage is due to circumstances beyond the control of the Corporation and the Corporation shall in all things observe all the regulations made or which may hereafter be made by the company in pursuance of the Great Eastern Railway (Capital &c.) Act 1865 and the Great Eastern Railway (General Powers) Act 1893 Provided that one month before any such regulations are made after the passing of this Act the company shall send a copy of the proposed regulations to the Corporation :
- (10) No carriage or engine or combination of carriages and engines which may in using the Tramway No. 2 be brought either wholly or partly upon the swing bridge at one and the same time shall together with the load thereof exceed two and a quarter tons on each wheel with a wheel base of not less than five feet and every person who shall in connexion with the working of the same tramway bring or place or permit to be brought or placed upon the said bridge any carriage or engine or combination of carriages and engines contrary to the provisions of this section shall for each such offence be liable to a penalty not exceeding five pounds to be recovered in the manner prescribed by the Summary Jurisdiction Acts for the recovery of penalties :
- (11) The driver or drivers of engines and carriages of the Corporation passing along Tramways Nos. 2 and 7 shall observe all regulations which may be made by the company with reference to the crossing by such tramways of the railways or sidings of the company and if the said regulations require shall cause such engines and carriages to stop and remain stationary until the engines waggons trucks or other vehicles of the company shall have passed the intent and meaning of this provision being that the traffic of the company shall if the regulations so provide at all times have precedence of any of the traffic upon such tramways Provided that fourteen days before any such regulations shall come into operation the company shall send a copy thereof to the Corporation and if the Corporation shall before the expiration of such fourteen days give notice to the company objecting

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to the regulations or any of them they shall not come into operation until agreed or settled by arbitration :

(12) No posts standards brackets electric wires or other apparatus shall be affixed or attached to any house building or property belonging to the company except to the swing bridge and the approaches thereto and then only subject to the provisions of this section :

(13) Notwithstanding anything contained in the section of this Act the marginal note whereof is " Attachment of brackets to buildings " no posts standards brackets electric wires cables or other apparatus work or thing shall be placed constructed or erected on under or above the swing bridge so as in any way to interfere with the navigation of the said harbour or the opening and closing of the swing bridge nor so as to interfere in any way with the traffic conducted over the railways tramways or sidings belonging to or worked by the company :

(14) Fourteen days before commencing to lay down any electric circuit under over or along the swing bridge or the railways or sidings of the company the Corporation shall give to the company notice in writing specifying the course nature and gauge of such electric circuit and the amount and nature of the current intended to be sent along the same and shall insulate the conductors from the iron or other metal work of the swing bridge to the reasonable satisfaction of the engineer of the company :

(15) Any question or difference which may arise between the Corporation and the company under the provisions of this section except under subsection (13) hereof shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the Board of Trade :

(16) The Corporation and the company may agree for any variation or alteration in the works or matters in this section provided for or in the manner in which the same shall be executed or carried into effect :

(17) The term " Corporation " shall include any person or body of persons owning leasing or working the tramways.

7. In constructing and maintaining the tramways where the same are intended to cross the bridge to be constructed for the purpose of carrying Yarmouth Road in the parish of Lowestoft over the Yarmouth and Lowestoft Railway authorised by the Great Eastern Railway (New Lines in Norfolk and Suffolk) Act 1897 the

For protection of Norfolk and Suffolk Joint Railways Committee.



undertaking authorised by which Act is now vested in the Norfolk and Suffolk Joint Railways Committee (herein-after called, "the committee") the following provisions shall have full force and effect:—

- (1) If in constructing the said bridge the committee are put to increased cost in diverting or temporarily providing for the service of tramways by this Act authorised the Corporation shall repay to the committee the costs so incurred:
- (2) The Corporation shall not in any way vary alter or interfere with the structure of the said bridge or of the approaches thereto and they shall so construct and maintain the tramways and works over such bridge and the approaches thereto as not injuriously to affect the same. Provided that the Corporation may with the consent of the committee (which consent shall not be unreasonably withheld) erect a post or posts upon the approaches to such bridge:
- (3) In the event of any injury being caused to the said bridge or approaches by the construction maintenance repairing use or removal of the tramways and works the committee may at the expense of the Corporation restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the committee against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870:
- (4) In constructing the said bridge and whenever and so often thereafter as the committee shall require to widen lengthen strengthen reconstruct alter or repair the said bridge or approaches or to widen or alter their railways thereunder or to lift or support such bridge or approaches owing to the subsidence thereof and it shall be necessary for effecting any of such purposes that the working and user of the tramways over such bridge or approaches shall be wholly or partially stopped or delayed or that the tramways shall be temporarily diverted or wholly or in part taken up or removed and shall except in case of emergency (in which case they shall give the longest notice practicable) give to the Corporation seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of the tramways shall be stopped or delayed or the said tramways shall be

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diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer if such engineer give such superintendence but only for so long as it may be absolutely necessary for effecting such purposes and without the committee being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto and in case the principal engineer of the committee or in case of difference an engineer to be appointed by the Board of Trade on the application of either the committee or the Corporation shall be of opinion that any such strengthening reconstruction or alteration is rendered necessary owing to the carriages or other vehicles used on any such tramway being or intended to be moved by steam or any mechanical power such strengthening reconstruction or alteration shall be effected in all things at the expense of the Corporation who shall pay to the committee any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening repairs lifting or supporting by reason of the existence of the tramways or any of the works connected therewith :

(5) With respect to Tramway No. 2 where the same will pass in front of the entrances to any station constructed or to be constructed by the committee adjoining the Yarmouth Road in the parish of Lowestoft aforesaid no crossing passing place siding junction or other work not shown on the deposited plans shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances to such station and for a length of fifteen yards at each end of such distance and without the consent of the committee under their common seal no tramcar or other vehicle or carriage used on the said Tramway No. 2 shall be stopped or permitted to be stopped within such distance and length except for and only for so long as shall be absolutely necessary for the purposes of taking up and setting down passengers :

(6) All works which may be necessary in constructing and maintaining any tramways or for working the same by mechanical power over such bridge and approaches shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the committee or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the committee or the Corporation and



no such works shall be commenced until the Corporation shall have given to the said principal engineer fourteen clear days' notice in writing thereof :

(7) No apparatus shall be affixed or attached to any house building or property belonging to the committee or to any bridge belonging to or maintainable or repairable by the committee without the consent in writing of the committee :

(8) The term " Corporation " shall include any person or body of persons leasing or working the said tramways :

(9) If any difference shall arise between the Corporation and the committee touching this section or anything to be done or not to be done thereunder the same shall be determined by an engineer to be agreed upon or failing agreement by an engineer to be appointed by the Board of Trade on the application of either party after notice to the other :

(10) The Corporation and the committee may agree for any variation or alteration of the works or matters in this section provided for or in the manner in which the same shall be executed or carried into effect.

8. The tramways authorised by this Act shall be constructed on a gauge of three feet and six inches Provided that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet six inches in width or such other width as may from time to time be allowed by the Board of Trade.

Gauge of tramways.

9. The rails of the tramways shall be such as the Board of Trade may approve.

Rails of tramways.

10. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall before they open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Plan of proposed mode of construction.

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Penalty for  
not main-  
taining rails  
and roads.

**11.**—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways  
to be kept  
on level of  
surface of  
road.

**12.** If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Corporation may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional  
crossings.

**13.** The Corporation may subject to the provisions of this Act with the consent of the local authority and the road authority make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways for forming junctions with other tramways or light railways or for providing access to any warehouses stables or carriage houses or works of the Corporation Provided that in the construction of any such works no rail shall (except with the consent of the Board of Trade) be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owners or the occupiers of one third of the premises abutting on the place where such less space shall intervene shall by writing under their



hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto. A.D. 1901.

**14.** The Corporation may with the consent of the Board of Trade and of the local authority and road authority lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and may construct or take up and reconstruct any of the tramways in such position in the road in which it is authorised to be constructed as they may think fit. Provided that in the exercise of the powers of this section no rail shall (except with the consent of the Board of Trade) be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owners or the occupiers of one third of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Alteration of tramways.

**15.** Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may with the consent of the road authority construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Temporary tramways may be made where necessary.

**16.** Any paving metalling or material excavated by the Corporation in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Corporation so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not

Application of road materials excavated in construction of works.



A.D. 1901. removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

Local authority to have access to sewers.

17. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local authority as if the same were a pipe for the supply of gas or water.

Period for completion of works.

18. The tramways shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Inspection by Board of Trade.

19. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

#### *Motive Power.*

Motive power.

20. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power:

(3) The Corporation or any person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a daily penalty not exceeding five pounds:



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(4) The Board of Trade if they are of opinion—

(a) That the Corporation or such person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or such person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

21. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

Special provisions as to use of electrical power.

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such



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other means of preventing injurious interference with the electric wires, lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction, erection, maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the cost of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) The expression "Corporation" in this section shall include lessees, licencees and any person owning, working or running carriages over any tramway of the Corporation.

For protec-  
tion of  
Postmaster-  
General.

**22.**—(1) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(2) In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect:—

(a) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection, whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have



constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(b) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(c) (i) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(ii) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

(d) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(e) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or

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sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(f) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any way affected by such act or work or by any use made of such work :

(g) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :

(h) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

(i) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :

(j) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :

(k) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

Works for  
mechanical  
power.

**23.** For the purpose of working any of the tramways by mechanical power the Corporation may erect construct maintain and use engines works buildings machinery and apparatus and may place construct erect lay down make and maintain on above or below the surface of any streets or roads posts brackets electric conductors wires apparatus conduits cables tubes and openings and may supply electrical energy from any generating station constructed under powers conferred or to be conferred upon the Corporation but the Corporation shall not construct a generating station under the powers of this Act.

Apparatus  
used for me-  
chanical power  
to be deemed  
part of  
tramway.

**24.** The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall



apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramway.

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**25.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power :

Attachment  
of brackets  
to buildings.

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid ;

(2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under proviso (1) ;

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

**26.—**(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

Byelaws.

(a) For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

(b) For regulating the emission of smoke or steam from engines used on the tramways ;

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(c) For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

(d) For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engines used for drawing or propelling such carriages ;

(e) For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Amendment of Tramways Act 1870 as to byelaws by local authority.

27. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which carriages are to be driven or propelled on the tramways under the authority of this Act but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

*Rates.*

Rates for passengers.

28. The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to the conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than twopence.

Passengers' luggage.

29. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage is carried by hand and at the responsibility of the passenger and does not occupy any part of a seat nor is of a form or description to annoy or inconvenience other passengers.

Rates for animals and goods.

30. The Corporation may demand and take in respect of animals goods and parcels conveyed by them on the tramways



including every expense incidental to the conveyance any rates or charges not exceeding those specified in the First Schedule to this Act subject to the regulations in that behalf therein contained. A.D. 1901.

**31.** The Corporation shall not be bound unless they think fit to carry on the tramways any goods animals or other things other than passengers and passengers' luggage under and subject to the foregoing provisions of this Act. Corporation not bound to carry animals and goods.

**32.** The Corporation shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week-days. As to fares on Sundays or holidays.

**33.—(1)** The Corporation or their lessées at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight o'clock in the morning or earlier than five o'clock in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance. On Saturdays the Corporation or their lessees in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purpose. Cheap fares for labouring classes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation or their lessees to provide such service as may appear to the Board to be reasonable.

(3) The Corporation or their lessees (as the case may be) shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

**34.** If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised Periodical revision of rates and charges.

A.D. 1901. the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges authorised by this Act.

*Further Provisions as to Tramways.*

Section 43 of  
Tramways Act  
1870 not to  
apply to certain  
tramways.

**35.** The provisions of section 43 of the Tramways Act 1870 shall not apply to Tramway No. 1 nor to the part of Tramway No. 4 by this Act authorised to be constructed in the parish of Pakefield.

Tramways  
not to be  
used on  
Sundays.

**36.** No carriages shall be used upon the tramways on Sundays unless the council by an absolute majority of the whole number of the members thereof resolve that carriages may be used on the tramways on Sundays.

Power to  
work  
tramways.

**37.** Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power.

Regulations.

**38.** The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Power to  
acquire  
patent  
rights.

**39.** For the purpose of using mechanical power the Corporation may acquire hold and exercise patent and other rights or licences relating to motive power or otherwise but not so as to acquire any exclusive right therein.



**40.** The agreement dated the tenth day of June one thousand nine hundred and one made between the Corporation of the first part the National Electric Traction Company Limited of the second part and the Drake and Gorham Electric Power and Traction Pioneer Syndicate Limited of the third part and set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto and upon the East Anglian Light Railways Company if and when incorporated.

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Confirmation  
of scheduled  
agreement.

**41.** If the Corporation shall in pursuance of the powers contained in this Act grant a lease of the right of user of any of the tramways and of demanding and taking tolls rates or charges in respect thereof the lessee shall during the term of the lease and subject to the provisions thereof be entitled to exercise and be subject to the rights powers duties and obligations conferred and imposed upon the Corporation by the provisions of this Act and of the enactments incorporated therewith relating to the working of the tramways and to the demanding taking and recovery of tolls rates and charges and in the application of such provisions the company shall be substituted for "the Corporation" or "the promoters" as the case may be and during any such lease the Corporation shall have the rights and privileges of a local and road authority under this Act and the enactments incorporated therewith.

Application  
of Act in  
case of  
lease.

**42.** Any penalties imposed by the lease granted to the East Anglian Light Railways Company in pursuance of this Act shall be recoverable in the same manner as penalties imposed by this Act.

Recovery of  
penalties  
under lease.

**43.—(1)** If the order now being promoted by the National Electric Traction Company Limited shall be duly made and confirmed under the Light Railways Act 1896 and if the undertaking or part of the undertaking authorised by such order shall be purchased by the Corporation in pursuance of the agreement set forth in the Second Schedule to this Act then upon the date of the completion of such purchase all the rights powers authorities and obligations of the company in respect of the undertaking or part of the undertaking purchased shall be transferred to vested in and may be exercised by and shall attach to the Corporation in like manner as if the Corporation were named in the said order instead of the East Anglian Light Railways Company Provided that the provisions of the said order relating to the management and capital of the company shall not apply to the Corporation.

Effect of  
sale of light  
railway  
undertaking.

**(2)** The provisions of Part XV. (Finance) of this Act shall apply to the purchase and carrying on of the said undertaking or part

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thereof as if such purchase and carrying on had been purposes of the tramway undertaking of the Corporation.

(3) Provided that the Corporation shall not acquire such undertaking or any part thereof except in pursuance of a resolution passed by a majority of not less than two-thirds of the members present and voting at a meeting of the council of which meeting at least one month's previous notice specifying the resolution to be proposed at such meeting has been given in the manner in which notices of the meetings of the council are usually given and except with the approval of the Board of Trade.

(4) The acquisition of such undertaking or of any part thereof shall not prejudice or affect any rights conferred upon the local authority for any district in which any part of such undertaking shall be situate to acquire such part thereof.

## PART III.

## LANDS AND STREET IMPROVEMENTS.

Power to  
take lands.

44. Subject to the provisions and for the purposes of this Act (including the provision of space for the erection of buildings adjoining or near to any street) the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

For protec-  
tion of  
trustees of  
Lowestoft  
Conva-  
lescent  
Home.

45. For the protection of the trustees of the Lowestoft Convalescent Home (in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Corporation have effect notwithstanding anything shown on the deposited plans and sections or contained in this Act:—

(1) The Corporation shall not except by agreement with the owners purchase or take for the purposes of this Act or temporarily or permanently acquire or interfere with any lands or property of the owners forming part of the said home except only the portion thereof coloured blue on the plan dated the twelfth day of June one thousand nine hundred and one and signed in duplicate by Philip Edward Sewell on behalf of the owners and by Walter Beer on behalf of the Corporation:

(2) Tramway No. 2 where the same passes along High Street and Yarmouth Road opposite or adjacent to the said home shall be laid down and maintained in the direction and position and in manner shown by red lines on the said plan and so that a clear space of at least nine feet six inches shall intervene on the westerly side of the road between the nearest rail of such



tramway and the outside of the footpath or (where there is no footpath) the boundary of the road for a distance opposite the said home of seventeen feet measured in a northerly direction and of one hundred and seventy-seven feet measured in a southerly direction along the said roads from the centre of the gateway or entrance into the said home:

(3) The Corporation shall before laying down the said tramway in manner aforesaid alter relay pave kerb and channel the footpath by the said entrance to the home to the extent shown by the dotted red line on the said plan and so that the said footpath shall be of at least four feet in width and continuous with and similar to the rest of the said footpath adjacent thereto:

(4) The Corporation shall not acquire and take possession of the said land coloured blue nor take down or interfere with the existing wall on the eastern boundary thereof until (a) the owners have erected immediately west of the western boundary of the said land coloured blue a sound well-built panelled wall the lower courses up to the plinth to be faced with hard Staffordshire bricks and the coping to be of the same quality and materials the height thereof to be such as the owners may consider reasonably necessary and until (b) such building has been erected round any trees in the line of the said wall as may be necessary for the purpose of preserving the same and until (c) the reasonable costs and expense of such wall and building have been paid to the owners by the Corporation Provided that the erection of such wall and building be proceeded with expeditiously so soon as the purchase money or compensation to be paid by the Corporation to the owners has been agreed or awarded in manner provided by the Lands Clauses Acts:

(5) The foregoing provisions shall be in addition to and not in substitution for the rights and remedies of the owners under the provisions of this Act and the Acts incorporated therewith due regard being had to such foregoing provisions when determining the amount of purchase money or compensation payable by the Corporation to the owners in pursuance of this Act:

(6) Any question or dispute which may arise between the owners and the Corporation under this section shall be determined by arbitration the arbitrator being appointed in default of agreement by the Local Government Board.

46. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands

A.D. 1901.

1901  
1901  
1901

Correction  
of errors &c.  
in deposited

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plans and  
book of  
reference.

shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Suffolk for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Suffolk and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Period for  
compulsory  
purchase of  
lands.

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

Owners  
may be  
required to  
sell parts  
only of  
certain  
lands and  
buildings.

48.—(1) And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(a) The owner of and persons interested in any of the properties whereof the whole or part is described or referred to in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being



obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by them determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (d) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (e) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in their absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (f) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (g) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from

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the remainder without material detriment thereto but that any other such portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Matters to be taken into account by arbitrators.

**49.** In determining any question of disputed compensation to be paid by the Corporation for the acquisition of any land which the Corporation are by this Act authorised to acquire for the widening or improvement of streets the jury arbitrators or other authority to whom the question shall be referred shall take into account any permanent increase in value of any lands fronting or abutting upon the proposed widened or improved streets and retained by or belonging to the person claiming compensation which in the opinion of such jury arbitrators or authority will result from or be caused by the exercise of the powers of this Act.

Persons under disability may grant easements &c.

**50.** 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 right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to purchase additional lands by agreement and to appropriate lands.

**51.** The Corporation in addition to any other lands which they are by this Act authorised to acquire may by agreement purchase take on lease acquire and hold for the purposes of this Act any lands not exceeding in the whole ten acres and with the consent of the Local Government Board and subject to such conditions as that



Board may prescribe may appropriate to such purposes lands vested in the Corporation and not wanted for the purposes for which they were acquired. Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired or appropriated in pursuance of this section nor erect any buildings thereon except for the purposes of this Act. A.D. 1901.

**52.—(1)** The Corporation shall not under the powers by this Act granted purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December last were or have been since that date or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until— Restrictions on displacing persons of labouring class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or



A.D. 1901. subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire:

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and 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. A.D. 1901.

(9) For the purposes of this section—

The expression “labouring class” means mechanics artisans 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; and

The expression “house” means any house or part of a house occupied as a separate dwelling.

**53.** The Corporation may appropriate the lands which they are by this Act authorised to acquire in or abutting on the streets known as London Road South Pakefield Street Marine Parade High Street Yarmouth Road Kensington Road Whapload Road the Ravine Bevan Street Raglan Street Beccles Road St. Peter’s Street St. Margaret’s Plain Albert Street Denmark Road Rotterdam Road (all in the borough) for the purpose of widening and improving those streets. Street im-  
provements.

**54.** Subject to the provisions of this Act and within the limits of the lands which the Corporation are by this Act authorised to take the Corporation may in connexion with the widening and improvement of the streets referred to in the last preceding section and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the streets widened or improved or any of them and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the streets widened or improved or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe and making compensation for any damage done by them in the execution of the powers of this section. Subsidiary  
works.

**55.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease Power to  
retain sell  
&c. lands.

A.D. 1901. exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds  
of sale of  
surplus  
lands.

**56.** So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing as aforesaid in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase Provided further that the borrowing powers by this Act authorised for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

#### PART IV.

##### ELECTRICAL ENERGY.

Supply of  
electrical  
energy  
outside  
borough.

**57.** If the local authority for any district adjoining the area which the Corporation are for the time being authorised to supply with electrical energy are or shall be authorised by Provisional Order confirmed by Parliament to supply energy or if any company shall be authorised to supply energy in any such district the Corporation and any such local authority or company may with the approval of the Board of Trade enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such local authority or company.



**58.** The Corporation on the one hand and any local authority company or person owning or working light railways or tramways within or without the borough on the other hand may enter into and carry into effect agreements for the supply by the Corporation to such authority company or person of electrical energy for the purposes of such light railways or tramways. Provided that no energy shall be supplied or shall continue to be supplied by the Corporation under the provisions of this section in any district in which any local authority company or person shall be supplying energy under statutory authority without the consent in writing of such local authority company or person.

A.D. 1901.  
Supply of electrical energy for traction purposes.

**59.** Any supply of electrical energy made under the last two preceding sections of this Act and any works constructed for that purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and all his rights in respect thereof which are contained in the Lowestoft Electric Lighting Order 1898.

For protection of telegraphic lines of Postmaster-General.

**60.** The Corporation may provide sell let for hire and fix set up alter repair and remove (but shall not manufacture) lamps meters electric lines fittings apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf 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 letting fixing setting up altering repairing or removing of such lamps meters electric lines fittings apparatus and things as aforesaid and for securing their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

Power to supply electric fittings.

**61.** Any expenses incurred by the Corporation in carrying into effect the provisions of this part of this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this part of this Act shall be applied in manner provided by section 52 or section 53 of the Lowestoft Electric Lighting Order 1898.

As to expenses.

A.D. 1901.

Altering  
date for  
filling up  
annual  
accounts for  
electric  
lighting.

**62.** Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the Electric Lighting undertaking of the Corporation shall after the passing of this Act be filled up on or before the twenty-fifth day of December in every year and shall be made up to the twenty-ninth day of September next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Corporation as if the twenty-fifth day of December and the twenty-ninth day of September were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

## PART V.

## SEASHORE.

Maritime  
boundary of  
borough and  
parishes.

**63.**—(1) The maritime boundary of the borough and of the parishes comprised therein is hereby extended to and declared to be the line coloured blue upon the map signed in triplicate by the Right Honourable Albert Edmund Earl of Morley the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and the boundary between the areas added to the parishes of Lowestoft and Kirkley respectively by virtue of this section is coloured green on the said map.

(2) The maps referred to in this section shall within two weeks after the passing of this Act be respectively deposited in the Parliament Office of the House of Lords the Private Bill Office of the House of Commons and with the town clerk at the office of the Corporation and copies of the map deposited with the town clerk certified by him to be true shall be sent within one month after the passing of this Act to the Local Government Board to the Board of Agriculture to the Director-General of His Majesty's Ordnance Survey at Southampton and to the Commissioners of Inland Revenue.

(3) Copies of or extracts from the said map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as *prima facie* evidence of the contents of such map.

Byelaws as  
to seashore.

**64.** The Corporation may make byelaws for the prevention of danger obstruction nuisance or annoyance to persons using the seashore and in particular may by such byelaws—

(1) Regulate the erection or placing on the seashore the esplanades and the approaches to the seashore or on such part or parts thereof as may be prescribed by such byelaws (all of which



are in this section included in the words "the seashore") of any booths tents sheds stands and stalls (whether fixed or moveable) or vehicles for the sale or exposure of any article or thing or any shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals or persons and the playing of any games on the seashore and generally regulate the user of the seashore for such purposes as shall be prescribed by such byelaws ;

- (2) Regulate the selling and hawking of any article commodity or thing on the seashore ;
- (3) Regulate the user of the seashore for riding and driving ; and
- (4) Provide for the preservation of order and good conduct among persons frequenting the seashore.

Upon the date on which byelaws made under this section shall come into operation the provisions of the Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation Act 1892 and the byelaws made in pursuance of that Order shall be repealed.

**65.**—(1) The Corporation may make byelaws—

- (a) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine or tent and for prohibiting the use of any other place on the seashore for bathing without using a bathing machine or tent ;
- (b) For the preservation of decency and order at public bathing places on the seashore and for appointing and limiting the places on the seashore from which persons of the male and female sex may bathe together and from which they may bathe separately ;
- (c) For regulating the hours during which bathing may take place from public bathing places on the seashore and for prohibiting the use of such places except during the hours so fixed ; and
- (d) For prescribing the use of decent and sufficient bathing garments.

Byelaws as  
to bathing.

(2) The provisions of section 69 of the Town Police Clauses Act 1847 shall with the necessary modifications extend and apply to tents and other erections placed upon the seashore for the purposes of bathing in the same manner and to the same extent as they apply to bathing machines.

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Seashore to  
be deemed  
public place  
and street  
for certain  
purposes.

**66.** Every part of the seashore shall for the purposes of the Vagrancy Act 1824 and of the Vagrancy Act 1898 be deemed to be a public place and shall be deemed to be a street for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

Every person who slaughters or dresses any cattle or any part thereof except in the case of any cattle overdriven which may have met with any accident and which for the public safety or other reasonable cause ought to be killed on the spot;

Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution;

Every person who wilfully and indecently exposes his person;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language;

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire;

Every person who throws or lays any dirt litter or ashes or night-soil or any carrion fish offal or rubbish on any street.

Byelaws for  
protection  
of bathers.

**67.** The Corporation may make byelaws requiring the owner or lessee of any bathing machine to provide or employ boats boatmen and attendants and to provide life-saving apparatus for the purpose of ensuring the safety of bathers and prescribing the qualification of such boatmen and attendants and the Corporation may employ and pay boatmen for the purpose of protecting persons whilst bathing.

Power to  
license  
pleasure  
boats.

**68.**—(1) The Corporation may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the boatmen or persons assisting in the charge or navigation of such boats and vessels and may charge a fee not exceeding one shilling for every such licence.

(2) Any such licence may be granted for such period as the Corporation may think fit and may be suspended revoked or endorsed by the Corporation whenever they shall deem such suspension revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of the power to suspend revoke or endorse the licence shall be plainly set forth in the licence itself.



(3) A person shall not let for hire any pleasure boat or pleasure vessel not so licensed nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed.

(4) A person shall not act as boatman or assist in the charge or navigation of any pleasure boat or pleasure vessel when let for hire or when carrying passengers for hire unless he is licensed by the Corporation as aforesaid.

(5) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade or for any boatman or person assisting in the charge or navigation of such boat or vessel.

(6) A person shall not carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel and every owner of any such boat or vessel shall before permitting the same to be used for carrying passengers for hire paint or cause to be painted on a conspicuous part of the said boat or vessel the number of persons which it is licensed to carry.

(7) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding forty shillings.

(8) Any person deeming himself aggrieved by the withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to a court of summary jurisdiction within fourteen days after such withholding suspension revocation or endorsement provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they see fit and to award costs.

(9) The provisions of this section shall not interfere with the exercise by the Corporation of the powers to make byelaws conferred upon them by section 172 of the Public Health Act 1875.

## PART VI.

### OPEN SPACES.

**69.**—(1) The Corporation may exercise and shall be subject to the following powers and obligations with respect to the Denes (that is to say):—

User of the Denes.

(a) They may and if required shall let parts thereof (not exceeding in the whole two acres) for terms not exceeding five months in

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any year for use for pickling and curing fish and storing fish in barrels or for other purposes incidental thereto ;

- (b) They may permit the use of parts thereof for encampments or for the purposes of drilling or for other similar purposes and may set apart and prescribe the parts to be so used ;
- (c) They may make byelaws for setting apart and (if the Corporation think fit) enclosing parts thereof for the purposes of games sports and other amusements or for any purposes tending to promote the health amusement instruction or enjoyment of the inhabitants of the borough and the public ;

Provided that no part of the Denes shall be set apart by or in pursuance of such byelaws except so much thereof as extends 150 yards or thereabouts in length to the northward of the existing allotments and as is bounded on the east by a straight line drawn from the east corner of such allotments to a point about 154 yards from the foot of the cliff ;

- (d) They may make and recover reasonable charges for admission to and use of the model yacht pond on the Denes.

(2) No person shall use any part of the Denes for pickling and curing fish or for storing fish in barrels or for other purposes incidental thereto other than the parts let for that purpose in pursuance of subsection (1) (a) of this section and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings.

(3) The foregoing provisions of this section except paragraph (c) of subsection (1) and subsection (2) thereof shall apply only to the lands known as the Lowestoft Denes and the said paragraph (c) and subsection (2) shall apply both to the Lowestoft Denes and to the lands known as the Gunton Denes.

(4) Nothing contained in this section shall prevent the Corporation from making byelaws with respect to the Denes in pursuance of section 164 of the Public Health Act 1875.

Byelaws for regulation of Sparrow's Nest Park Battery Green and Belle Vue Park.

**70.** The Corporation may make byelaws for the regulation of Sparrow's Nest Park Battery Green and Belle Vue Park and of any other park or pleasure ground provided by them (not being a public pleasure ground to which section 164 of the Public Health Act 1875 applies) and may by such byelaws provide for the removal from the park or pleasure ground of any person infringing any such byelaws by any officer of the Corporation or constable.

Power to provide apparatus for games.

**71.** The Corporation may provide swings gymnasium apparatus and apparatus for games and recreation for the use of the public frequenting the places of public resort or recreation for the time



being belonging to them or under their control and management and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such swings or apparatus on such terms and conditions as they think proper.

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**72.** The Corporation may—

Public  
bands &c.

- (1) Employ manage and regulate the performances of a public band or bands of music to perform in such public places as the Corporation may from time to time prescribe or pay or contribute towards the payment of a band or bands of music and of vocalists to perform in such public places. Provided that the amount defrayed out of the district fund in pursuance of this subsection shall not in any one year exceed the amount which would be produced by a rate of one penny in the pound on the property in the borough assessable to the general district rate;
- (2) Enclose an area within which the bands shall play or performances take place and make reasonable charges for admission within such enclosure;
- (3) Provide place and maintain bandstands in or on any such public place as the Corporation may deem suitable;
- (4) Provide and sell or authorise any person or persons to sell programmes of any concert or performance which may from time to time be provided by the Corporation or with their sanction in any such public place; and
- (5) Make byelaws for securing good and orderly conduct during the playing of the band or during the musical performance.

**73.** The places of public resort or recreation for the time being belonging to or under the control and management of the Corporation shall be deemed to be public places and streets for the purposes referred to in the section of this Act whereof the marginal note is "Seashore to be deemed public place and street for certain purposes."

Recreation  
grounds to  
be deemed  
public places  
and streets  
for certain  
purposes.

**74.** The Corporation may place or authorise any person to place seats and chairs and erect shelters in the esplanade and in any street and in any place of public resort or recreation belonging to or under the control or management of the Corporation for the use of the public and may if they think fit charge or allow such person to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Seats chairs  
and shelters  
for public  
use.

A.D. 1901.

Corporation  
may erect  
buildings  
&c.

**75.** The Corporation may on the esplanade or in any place of public resort or recreation belonging to them or under their control or management erect maintain furnish and equip and may remove refreshment and reading rooms pavilions and other buildings and conveniences which may be required or convenient for the purposes of the public resorting thereto and may charge for admission to such refreshment and reading rooms pavilions or other buildings or conveniences or any of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Corporation shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

Power to let  
refreshment  
rooms &c.

**76.**—(1) The Corporation may let any refreshment rooms pavilions or other buildings or conveniences with the appurtenances erected in pursuance of this Act to such person for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

(2) The Corporation may also let any such pavilion or other building for the purposes of particular meetings or entertainments and may make such charges and impose such conditions as they may think fit.

Power to  
appoint  
officers.

**77.** The Corporation may appoint officers for securing the observance of this part of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant and nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Act 1890 relative to a police superannuation fund or superannuation allowances.

Application  
of moneys  
received for  
admission to  
recreation  
grounds.

**78.** The moneys (if any) received by the Corporation for the use of or admission to any place of public resort or recreation for the time being belonging to or under the control or management of the Corporation or received under the sections of this Act whereof the respective marginal notes are—

“Power to provide apparatus for games.”

“Public bands &c.”

“Seats chairs and shelters for public use.”

“Corporation may erect buildings &c.”

“Power to let refreshment rooms &c.”



may after payment of the expenses chargeable to revenue incurred by the Corporation in pursuance of the said sections be applied towards the payment of or contribution to a band or bands of music or musical performances and such moneys so far as the same shall not be so applied shall be carried to the district fund. A.D. 1901.

## PART VII.

## LAMP LANDS.

**79.** The Corporation may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the payment of a gross sum or of an annual rent or of any payment in any other form any of the Lamp Lands or any interest therein and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange: Power to  
dispose of  
Lamp  
Lands.

Provided that the Corporation shall not dispose of any such lands or of any interest therein or any of such rents except with the approval of the Local Government Board and upon and subject to such terms and conditions as that Board may prescribe unless—

- (1) The disposition be by way of lease granted in accordance with subsection (2) of section 108 of the Municipal Corporations Act 1882 and that subsection shall extend and apply to the lands as if they were corporate lands within the meaning of that Act; or
- (2) The consideration do not exceed the sum of one hundred pounds and in that case it shall not be less than the sum which shall be ascertained and determined in writing by some practical surveyor to be appointed by the Corporation to be the full value of the land which shall be the subject of the disposition.

**80.** The Corporation shall apply all capital sums received by them upon any sale lease exchange or disposition of any of the Lamp Lands or of any interest therein or of any rent reserved on any such sale lease exchange or disposition in any one or more of the following modes (that is to say):— Proceeds of  
sale of Lamp  
Lands.

- (1) With the approval of the Local Government Board they may apply the same in the purchase of other lands and the lands so purchased shall be deemed to be Lamp Lands for the purposes of every enactment relating to Lamp Lands;

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- (2) They may invest the same in any statutory security ;
- (3) With the approval of the Local Government Board they may apply the same in or towards the extinguishment of any loan raised by the Corporation for the purpose of any works or improvements in the parish of Lowestoft as constituted at the passing of this Act and for the time being outstanding ;
- (4) With the approval of the Local Government Board they may apply the same to any other purpose to which capital is properly applicable for the general benefit and improvement of the parish of Lowestoft as constituted at the passing of this Act.

Separate accounts and application of revenue.

**81.**—(1) The Corporation shall keep separate accounts in respect of the Lamp Lands and of any moneys received upon the sale lease exchange or disposition of such lands and of any investments of such moneys and shall in such accounts distinguish capital from revenue.

(2) The Corporation shall apply such revenue after payment of all rents rates expenses and other outgoings payable in respect of the Lamp Lands or of the said investments to such purposes as the Corporation may think fit for the general benefit and improvement of the parish of Lowestoft as constituted at the passing of this Act.

Repeal of sections 47 to 55 of Act of 1854.

**82.** Sections 47 to 55 of the Act of 1854 are hereby repealed.

### PART VIII.

#### STREETS AND BUILDINGS.

Repeal of sections 62 and 63 of Act of 1854.

**83.** Sections 62 and 63 of the Act of 1854 are hereby repealed.

Retention of plans &c. deposited with Corporation.

**84.** The Corporation may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with the Corporation in pursuance of any enactment for the time being in force in the borough or of any byelaw made thereunder.

Power to vary position or direction of new streets.

**85.** When any plans or sections of any new street are submitted to the Corporation for approval the Corporation may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct line or more direct line with any other street adjoining or leading thereto and the Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.



**86.** No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street or such part of such length as may be required by the Corporation shall have been defined by posts or in some other sufficient manner in accordance with byelaws to be made by the Corporation which they are hereby authorised to make to indicate the approved line and level thereof nor until such street or such part thereof shall have been laid out and kerbed in accordance with such byelaws. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

A.D. 1901.  
 No buildings  
 allowed  
 until street  
 defined laid  
 out and  
 kerbed.

**87.—(1)** Where any street or road in the borough for the time being repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street or road. The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can with reasonable diligence ascertain. No new building erection excavation or obstruction shall be made nearer to the centre of the street or road than such line.

Corporation  
 may define  
 future line  
 of streets.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make compensation to the owner and other persons interested in any land or building for any loss or damage they may sustain in consequence of such line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building



A.D. 1901. compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

(5) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

As to temporary and moveable buildings.

**88.**—(1) Before any person erects or sets up any temporary or moveable building he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and section of the proposed building drawn to a scale of not less than one inch to every eight feet and a plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended.

(2) The Corporation shall within twenty-one days after the delivery of the plan section and specification signify in writing their approval or disapproval of the proposed building to the person proposing to erect or set up the same.

(3) The Corporation may attach to their approval any condition which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such proposed building is commenced erected or set up without such application accompanied by such plan section and specification or after the disapproval of the Corporation or before the expiration of the said twenty-one days without such approval or is in any respect not in conformity with the approved plan section and specification and with any condition attached by the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof allowed by them the owner of such building shall be liable to a



penalty not exceeding forty shillings and to a daily penalty of the like amount and the Corporation may cause such building to be taken down or removed and any expense incurred by them in or about the taking down or removal of the building may be recovered from the owner of the building or from the person commencing erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section:—

(a) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough with respect to new buildings and any tent not remaining for more than seven days;

(b) Any wooden or other structure or erection of a moveable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be taken down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Corporation may cause the same to be taken down or removed and any expense incurred by them in or about the taking down or removal of the building may be recovered in a summary manner from the owner of the building or from the person erecting or setting up the same at their discretion; and

(c) Any wooden or other structure or erection erected or set up for the purpose of protecting or preventing the acquisition of any right of light.

(6) When a temporary or other building referred to in this section is taken down or removed by the Corporation under the powers of this section the Corporation may sell the materials thereof or any part of them and shall apply the proceeds of the sale in and towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance to the owner of such building.

**89.** All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes land abutting upon a street shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or erects any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line

Elevation of buildings erected on front land to be subject to approval of Corporation.

A.D. 1901. — and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of one month after any plan or drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof. The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence in pursuance of any requirement made by the Corporation upon approving any plan or drawing under this section.

Trees or shrubs overhanging streets.

**90.** Where any tree hedge or shrub overhangs any street so as to obstruct or interfere with any telephone telegraph or tramway electric wire or the light from any public lamp or to interfere with the free passage of passengers the Corporation may serve a notice on the occupier of the premises on which such tree hedge or shrub is growing requiring him within a reasonable time to be specified in such notice to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

No new street to be a cul-de-sac.

**91.** The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Provisions as to separate system of sewerage.

**92.—(1)** The Corporation may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this Act called "a sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this Act called a "surface water sewer").

(2) Where under the provisions of the Public Health Acts the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly.



(3) Where in any street separate sewage sewers and surface water sewers shall have been provided no sewage shall be allowed to pass from any premises into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation. Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

**93.**—(1) Whenever the medical officer surveyor or inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply such test as he may consider efficient to such drains for the purpose of discovering any defects therein :

Owners &c.  
to permit  
application  
of test to  
drains.

Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to execute all necessary works for remedying the same within a reasonable time to be specified in the notice and if he makes default in so doing the Corporation may enter and execute the works and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

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(3) Nothing in this section shall authorise the use of a water test so that upon any part of the drains, the hydraulic pressure shall exceed that due to a vertical column of water four feet in height.

(4) Section 61 of the Act of 1854 is hereby repealed.

Provision as to filling up of cesspools.

**94.**—(1) If it shall appear to the Corporation by the report of the surveyor inspector of nuisances or medical officer that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed and taken away or to cause such cesspool receptacle ashpit or well to be so altered as to remove any such objection as aforesaid.

(2) If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default.

Water or stack pipes not to be used as ventilating shafts.

**95.** No water pipe stack pipe or down spout for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain Any person who shall offend against this section after fourteen days from the service upon him by the Corporation of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Corporation may order houses to be drained by a combined drain.

**96.**—(1) If it appear to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains for such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners



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or occupiers of such houses in such manner as the Corporation shall determine and if paid by the Corporation may be recovered by the Corporation from such owners or occupiers. Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(2) This section shall not apply to any house the plans for the construction of which have been approved by the Corporation before the passing of this Act.

**97.** The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Owner liable for houses occupied without proper water supply.

**98.** If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he show that such construction or repair was not due to any wilful act neglect or default be liable to a fine not exceeding twenty pounds:

Improper construction or repair of watercloset or drain.

Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he prove to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge, consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

**99.—**(1) The Corporation may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such building shall be provided with one or more proper and sufficient waterclosets according as the circumstances may require.

Power to require waterclosets to new buildings.

(2) Any person offending against any requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**100.—**(1) If on the report of the medical officer the surveyor or the inspector of nuisances the Corporation are satisfied that any building has not sufficient closet accommodation provided thereat or in connexion therewith the Corporation may when a sewer and

Power to require waterclosets in existing buildings.

A.D. 1901. — water supply sufficient for the purpose are reasonably available by written notice to the owner require that such building shall be provided with one or more proper and sufficient waterclosets according as the circumstances may require.

(2) When a sewer and water supply sufficient for the purpose are reasonably available the Corporation may by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset and to communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building.

(3)—(a) If the owner of any such building fail in any respect to comply with a notice of the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by them in so doing :

(b) Provided that if in any case of conversion as aforesaid the alterations shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such a state as to be a nuisance or injurious to health then one half of the expenses so incurred by the Corporation as aforesaid shall be borne by them.

(4) Where any person deems himself aggrieved by any requirements of the Corporation under this section or under the last preceding section of this Act or disputes the reasonableness of any expenses recoverable from him by the Corporation under this section such person may within fourteen days after service of the notice of the requirement or of a demand for payment of such expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and in accordance with the provisions of this section and the order so made shall be binding and conclusive on all parties Provided that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(5) Pending the decision of the court upon any appeal under this section the Corporation shall not execute any works included in the



notice and any proceedings which may have been commenced for the recovery of the expenses shall be stayed. A.D. 1901.

(6) Any notice served under this section shall state the provisions of this section.

**101.** Where under the provisions of this part of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this part of this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

**102.** The Corporation may declare any expenses incurred by them under the provisions of this part of this Act which are recoverable from the owner or owners to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875. Expenses may be declared private improvement expenses.

**103.** Any person duly authorised in writing by the Corporation shall on production of such authority be admitted into any premises for the purposes of the foregoing provisions of this part of this Act and the provisions of sections 102 and 103 of the Public Health Act 1875 shall (*mutatis mutandis*) apply to such admission. Power of entry.

**104.** The powers of the Corporation under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain sanitary conveniences and lavatories in or under any street repairable by the inhabitants at large for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and lavatories for such periods and upon and subject to such terms and conditions as they may think fit. Public conveniences and lavatories.

**105.** Nothing in this part of this Act or in any byelaw made thereunder shall apply to any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway under any Act of Parliament. Exemption for railways.

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PART IX.

MILK SUPPLY (TUBERCULOSIS).

Penalty for selling milk of diseased cows.

**106.** Every person who knowingly sells or suffers to be sold or used for human consumption within the borough the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows.

**107.** Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the borough who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Obligation to notify cases of tuberculosis.

**108.—(1)** Every dairyman who supplies milk within the borough and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

**(2)** Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk.

**109.—(1)** It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer to take within the borough for examination samples of milk produced or sold or intended for sale within the borough.

**(2)** The like powers in all respects may be exercised outside the borough by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

Power to inspect cows and to take samples of milk.

**110.—(1)** If milk from a dairy situate within the borough is being sold or suffered to be sold or used within the borough the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.



(2) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the borough from consumption of the milk supplied from a dairy situate within the borough or from any cow kept therein he shall report thereon to the Corporation and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Corporation may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the borough until the order has been withdrawn by the Corporation.

(3) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being sold or offered to be sold or used within the borough is likely to cause tuberculosis in persons residing within the borough the powers conferred by this section may in all respects be exercised in the case of such dairy provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(4) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(5) If in their opinion the dairyman fails to show cause why such an order may not be made as aforesaid the Corporation may make the said order and shall forthwith serve notice of the facts on the county council of the administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the borough on the council of the borough or district in which it is situate.

(6) The said order shall be forthwith withdrawn on the Corporation or their medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the borough.

(7) If any person after any such order has been made supplies any milk within the borough in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding



A.D. 1901. five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(8) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

(9)—(a) The dairyman may appeal against an order of the Corporation under this section or the refusal of the Corporation to withdraw any such order either to a court of summary jurisdiction having jurisdiction within the borough or at his option if the dairy is situate outside the borough to the Board of Agriculture who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the borough and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a court of summary jurisdiction :

(b) The Board of Agriculture may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture in the matter of the appeal :

(c) The court or the Board of Agriculture as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

(10)—(a) If an order is made without due cause or if the Corporation unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Corporation full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Corporation to withdraw the order :

(b) The court or the Board of Agriculture may determine and state whether an order the subject of appeal has been made without due cause and whether the Corporation have unreasonably refused to withdraw the order and whether the dairyman has been in default :

(c) Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall



accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid. A.D. 1901.

**111.** The Corporation shall cause to be given public notice of the effect of the provisions of this part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix. Notice of provisions of this part of Act.

**112.** Offences under this part of this Act may be prosecuted and penalties may be recovered by the Corporation before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise. Procedure.

**113.** All expenses incurred by the Corporation in carrying into execution the provisions of this part of this Act shall be chargeable upon the district fund and general district rate and the Corporation may also charge upon the same rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the borough. Provided that no such test shall be applied except with the previous consent of the owner of such cow. Expenses of this part of Act.

**114.** The provisions of this part of this Act may be carried into execution by a committee of the council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the council. Execution of this part of Act by committee.

## PART X.

### SANITARY MATTERS.

**115.—(1)** If the medical officer shall have reasonable cause to believe that the outbreak or spread of infectious disease is attributable to the milk supplied by any dairyman he may by notice require such dairyman to furnish to him within a reasonable time to be specified in the notice a full and complete list of the names and addresses of all his customers within the borough and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five customers named therein but no such payment shall exceed three shillings. Dairyman to furnish lists of customers in certain cases.



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(2) Any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dairymen to furnish lists of sources of their supply of milk in certain cases.

**116.**—(1) If the medical officer shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice require every person supplying milk to the person so suffering or to the house of which that person is an inmate to furnish to the medical officer within a reasonable time to be specified in the notice a full and complete list of all the farms dairies or places from which the person so supplying milk derives his supply of milk or from which he has derived his supply during the last six weeks and such person shall furnish such list accordingly.

(2) Any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dairymen to notify infectious disease existing among their servants &c.

**117.**—(1) Every dairyman supplying milk within the borough from premises whether within or without the borough shall notify to the medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy so soon as he becomes aware or has reason to suspect that such infectious disease exists. Any such dairyman who commits a breach of this enactment shall be liable to a penalty not exceeding forty shillings.

(2) Upon receipt of any notification in pursuance of this section from a dairyman supplying milk from premises within the rural district of Mutford and Lothingland the medical officer shall give notice thereof to the medical officer of health for that district.

Infected person not to carry on business &c.

**118.**—(1) No person suffering from an infectious disease or who is living in a house in which there is a case of infectious disease shall milk any animal or pick fruit or engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread infectious disease.

(2) Every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding twenty shillings.

Persons engaged in washing or mangling

**119.**—(1) Whenever the medical officer shall be of opinion that it is desirable with a view to prevent the spread of infectious disease that he should be furnished with a list of the customers of



any person earning a livelihood or deriving gain by the washing or mangling of clothes the medical officer may by notice require such person to furnish to him within a reasonable time to be specified in the notice a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five customers named therein but no such payment shall exceed three shillings.

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clothes to  
furnish lists  
of owners of  
clothes in  
certain  
cases.

(2) Every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

**120.**—(1) Whenever any scholar who attends any school within the borough shall be known to be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith send notice thereof to the medical officer and shall furnish to him at his request a list of the pupils attending at the school together with their addresses and the Corporation shall pay to him for such list the sum of sixpence and at the rate of sixpence for every twenty-five pupils named therein. For the purposes of this section infectious disease shall include whooping-cough.

Principal  
of school to  
furnish list  
of pupils in  
certain  
cases.

(2) Any person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

**121.**—(1) No person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others. For the purposes of this section infectious disease shall include whooping-cough. Provided that in the case of the last-mentioned disease a certificate of any registered medical practitioner shall be sufficient for the purposes of this section.

Child suffer-  
ing from  
infectious  
disease not to  
attend school.



190 1.

(2) Any person who offends against this enactment shall be liable to a penalty not exceeding forty shillings.

Protection  
against  
infection of  
books from  
lending  
library.

**122.**—(1) No person shall return to any lending library any book which has been to his knowledge exposed to infection from any infectious disease but shall at once give notice thereof to and leave the book at the office of the medical officer or the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian.

(2) Any person who offends against this enactment shall be liable to a penalty not exceeding forty shillings.

Byelaws  
regulating  
hospitals.

**123.** The Corporation may make byelaws for regulating the admission to and discharge of patients from any hospital for infectious disease temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation.

Filthy and  
dangerous  
articles to be  
purified.

**124.**—(1) Where on the certificate of the medical officer it appears to the Corporation that any articles in any house or part thereof are in such a filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may if they think fit cause any such articles in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

(2) If any owner suffer any unnecessary damage the Corporation shall compensate him for the same and the Corporation shall also reasonably compensate the owner for any articles destroyed.

Provision  
of nurses in  
case of  
infectious  
disease.

**125.** The Corporation may provide or contract with any person or persons to provide nurses for attendance upon any person suffering from any infectious disease within the borough and may charge a reasonable sum for the services of any nurse so provided.

Corporation  
may pay  
expenses of  
person in  
hospital.

**126.** Where a person not being a pauper is received as a patient into any hospital for infectious disease the Corporation may if they think fit themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person.



**127.**—(1) Any person being a manufacturer of or merchant or dealer in ice cream or other similar commodity who within the borough—

A.D. 1901.  
For regu-  
lating manu-  
facture and  
sale of ice  
cream &c.

(a) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any cellar or room in which there is an inlet or opening to a drain; or

(b) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice cream or any similar commodity suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice cream commodity or materials so destroyed.

**128.** Public notice of the provisions of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall in the borough and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Public  
notice to be  
given of  
provisions  
of this part  
of Act.

## PART XI.

### COMMON LODGING HOUSES.

**129.**—(1) The keeper of every common lodging house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the offices of the Corporation shall with the approval of the

Regulations  
as to com-  
mon lodging-  
house  
keepers.



A.D. 1901. Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be.

(2) Any person who offends against this enactment shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Annual registration of common lodging-house keepers.

**130.**—(1) Application for the renewal of the registration of every common lodging house shall be made to the Corporation on or before the fifteenth day of May in every year and the Corporation notwithstanding the provisions of section 78 of the Public Health Act 1875 may refuse to register any person as the keeper of a common lodging house who does not produce to the Corporation a certificate of character in such form as the Corporation shall direct but notwithstanding such certificate of character the Corporation may if they see fit make further inquiry and may thereafter refuse to register if they are satisfied that the person applying is not qualified to be the keeper of a common lodging house.

(2) Any person aggrieved by such refusal may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours' notice of such appeal and of the ground thereof to the town clerk and the court shall have power to make such order as they may think fit and to award costs.

Penalties on unregistered common lodging-house keepers.

**131.** Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging house within the borough and every person who shall after the first day of July one thousand nine hundred and two keep a common lodging house without the registration thereof being renewed for the current year shall be liable to the penalties imposed by section 86 of the said Act for the offences named therein.

Notice to common lodging-house keepers.

**132.** Notice of the provisions of this part of this Act shall forthwith after the passing of this Act be served upon the keeper of every common lodging house either personally or by leaving the same at the common lodging house.

PART XII.

ADVERTISEMENTS.

Restriction of advertising vehicles and hoardings.

**133.**—(1) It shall not be lawful in any street to use any vehicle exclusively or principally for the purpose of displaying advertisements or for two or more persons together to carry a



board or boards for such purpose without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit. A.D. 1901.

(2) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

(3) It shall not be lawful to erect any hoarding or similar structure to be used either wholly or partly for advertising purposes in or abutting on or adjoining any street to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding as the Corporation may determine.

(4) The owner or other person using any hoarding wall or other structure for advertising purposes in or abutting on or adjoining any street whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any papers affixed to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such papers.

(5) Any person who acts in contravention of any of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(6) Any person deeming himself aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction within fourteen days after such refusal or after the giving of such consent (as the case may be) provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(7) Any consent or condition given or made under this section may be under the hand of the town clerk or the surveyor.

**134.**—(1) It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Corporation and in the event of such licence being granted then only for such

Sky signs.

A.D. 1901. period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed :

Provided that in any of the following cases a licence of the Corporation under this subsection shall become void namely :—

- (a) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor ;
- (b) If any change be made in the sky sign or any part thereof ;
- (c) If the sky sign or any part thereof fall either through accident decay or any other cause ;
- (d) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof ;
- (e) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed :

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequences as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

(2) Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section—

“ Sky sign ” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression “ sky sign ” shall also include any balloon parachute or other similar device employed wholly or in part for the purposes of any



advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not include— A.D. 1901.

- (a) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement ;
- (b) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported ;
- (c) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach or premises belonging to a railway company and so placed that it cannot fall into any street or public place.

### PART XIII.

#### POLICE FIRE BRIGADE AND STREET TRAFFIC.

**135.**—(1) Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the mayor by leaving such notice at the town clerk's office twenty-four hours at least (exclusive of Sundays) previously to the time fixed for such procession to pass through the streets. Notice of procession to be given.

(2) If any such procession passes through any street of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

**136.** The officer in charge of the police at any fire in the borough shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for Regulation of traffic at fires.

1901. the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

Captain of fire brigade to have control over operations.

**137.** The captain of the fire brigade of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the Corporation's or any other fire brigade including the fixing of the positions of fire engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

Power to police constable &c. to enter and break open premises in case of fire.

**138.** Any police constable acting under the orders (either general or special) of his superintendent or inspector and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Byelaws as to crying newspapers on Sundays.

**139.—**(1) The power to make byelaws conferred upon the Corporation by section 23 of the Municipal Corporations Act 1882 shall enable the Corporation to make byelaws for the following purposes (that is to say) :—

For prohibiting any person or persons during Sundays in any street within the borough from crying or calling out for sale any newspaper journal or serial or from advertising by any cry or calling out any newspaper journal or serial or from ringing any bell or using any horn whistle or noisy instrument or creating any noise whatsoever for the purpose of selling any newspaper journal or serial or attracting or attempting to attract the attention of any person or persons by means of any noise whatsoever whether vocal or otherwise for the purposes aforesaid or any of them.

(2) The provisions of the Municipal Corporations Act 1882 with respect to byelaws made under section 23 of that Act shall extend and apply to byelaws made under this section.



140. The following provisions shall have effect with reference to children trading in the streets (that is to say) :—

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Provisions  
as to  
children  
trading in  
streets.

(1) "Child" shall mean a boy under the age of fourteen years and a girl under the age of sixteen years;

"Trading in the streets" shall mean vending papers small wares and other articles in any street in the borough;

"Place of safety" shall have the same meaning as in the Prevention of Cruelty to Children Act 1894:

(2) The Corporation may make regulations as to the conditions upon which licences authorising children to trade in the streets shall be granted continued suspended and revoked including conditions for the issue and wearing of badges and for the regulation of the conduct of children holding licences and of the hours during which the places where and the conditions under which they may trade in the streets. The regulations shall be subject to the approval of the Secretary of State and shall both before and after such approval is given be published in such manner as the Secretary of State may direct. Provided that such regulations shall not impose any restrictions on the grant of licences on the ground of the poverty or the previous bad character either of the child or of its parents or guardians:

(3) Subject to such regulations the Corporation may grant a licence to any child authorising him to trade in the streets and after such day as may be fixed in the regulations or such later day (herein-after referred to as "the appointed day") as may be fixed by the Secretary of State no child shall trade in the streets unless provided with a licence under this section:

(4) Any constable may take into custody without warrant any child found after the appointed day trading in the streets without a licence or in contravention of the conditions of his licence and may convey him to a place of safety and he may be there detained until he can be brought before a court of summary jurisdiction and that court may make such order as is mentioned in the next following subsection:

(5) Where it appears to a court of summary jurisdiction that a child has been found trading in the streets without a licence or in contravention of the conditions of his licence the court may if satisfied on inquiry that it is expedient so to deal with him—

(a) Order that the child be taken out of the custody of the person purporting to have the custody charge or care of him and be committed to the custody of a relative of the child or some other fit person named by the court (such

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relative or other person being willing to undertake such custody) until he reaches the age of sixteen years or for any shorter period and the provisions of sections 7 and 8 of the Prevention of Cruelty to Children Act 1894 shall so far as applicable and with the necessary modifications apply as if the order had been made under that Act and the court may of its own motion or on the application of any person by order renew vary and revoke any such order; or

(b) Order that the child if he be under the age of fourteen years be sent to an industrial school and thereupon all the provisions of the Industrial Schools Acts shall apply as if the child had been so sent under those Acts:

In the case of a child found trading without a licence the court may in lieu of making such order impose on summary conviction a penalty not exceeding ten shillings:

- (6) The Corporation may contribute the whole or part of the expense of the education and maintenance of any child dealt with under the preceding subsection:
- (7) Any person who having the custody charge or care of a child allows him after the appointed day to contravene the provisions of this section or any of the regulations made hereunder shall on summary conviction be liable to a fine not exceeding twenty shillings for each offence:
- (8) The Corporation shall appoint such inspectors and other officers as they may deem necessary for the purpose of administering or assisting in the administration of the foregoing provisions and for the purpose of periodically visiting the houses of persons to whose custody any children have been committed under this section with the object of securing the proper treatment of such children:
- (9) Any expense incurred by the Corporation in the execution of this section shall be defrayed out of the borough fund.

## PART XIV.

## HACKNEY CARRIAGES AND PORTERS.

Licences to drivers of hackney carriages to specify class of carriage &c.

141. After the passing of this Act every licence granted to a driver or conductor of hackney carriages in pursuance of the Town Police Clauses Acts 1847 and 1889 or either of those Acts shall specify whether it is granted to a person to act as driver or as conductor and shall also specify the class or classes of carriage in respect of which it is granted and if any person shall act as driver or as conductor of a hackney carriage without a licence to act as



driver or as conductor thereof (as the case may be) or shall act as driver or conductor of a carriage belonging to a class not specified in his licence such person and the proprietor of the hackney carriage shall be deemed to have committed an offence under section 47 of the Town Police Clauses Act 1847. A.D. 1901.

**142.** The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation with respect to public vehicles shall be as fully applicable in all respects to hackney carriages within the borough conveying passengers from any railway station within the borough as if such railway station were a public stand for hackney carriages and also to such carriages and the drivers thereof within a distance of five miles from the boundary of the borough if the hiring takes place within the borough: As to public vehicles at railway stations or within five miles of borough.

Provided as follows:—

- (1) It shall not be obligatory on the drivers of hackney carriages to contract to carry persons for hire beyond the borough:
- (2) If the hiring takes place within the borough any offence against any of the provisions of the said Acts or against any such byelaw whether such offence shall have been committed within the borough or not may be brought before and determined by a court of summary jurisdiction having jurisdiction in the borough:
- (3) The provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles nor shall the Corporation have or exercise any authority or control over vehicles whilst on the premises of any railway company except with the consent of the railway company.

**143.—**(1) Any person appointed by the Corporation in writing may examine all hackney carriages plying for hire within the borough and shall see that the laws and byelaws relating to such carriages are duly observed. Powers of inspector of hackney carriages.

(2) Any proprietor driver conductor or other person who shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

**144.** An occasional licence for a hackney carriage may be granted by the Corporation to be in force for such day or days or other period less than a year as may be specified in the licence. Occasional licences may be granted.

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Power to  
license  
porters and  
to make  
regulations.

**145.**—(1) The Corporation may grant to every such person as they think fit a licence to carry on the trade or calling of a porter or commissionaire and may charge a fee not exceeding one shilling for any such licence for twelve months and with respect to such persons and their licences the Corporation may make regulations for all or any of the following purposes (namely):—

(a) For regulating the applications for such licences and the form and contents and signature thereof and the registration thereof and of matters relative thereto;

(b) For regulating the duration of every such licence and providing for the suspension or revocation thereof by the Corporation;

(c) For determining what badges (if any) such persons shall wear.

(2) Any such licence may be suspended or revoked by any court before whom the person licensed is convicted of any offence making it in the opinion of such court expedient that such licence should be suspended or revoked.

(3) Any person who while unlicensed represents himself to be licensed or wears any badge for the purpose of so representing himself as licensed to carry on any of the callings which the Corporation are authorised to license shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

## PART XV.

## FINANCE.

Power to  
borrow.

**146.**—(1) The Corporation may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(a) For the construction of Tramways Nos. 1 2 3 3a and 4 authorised by this Act and for other the purposes of the tramway undertaking of the Corporation the sum of sixty thousand pounds;

(b) For and in connexion with the purchase of the lands which the Corporation are authorised to purchase for street improvements and the widening and improvement of streets and roads the sum of forty-five thousand pounds;

(c) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose;

and with the consent of the Board of Trade such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation (including the money necessary



for the construction of the remaining tramways authorised by this Act and any sum payable on the determination of the lease granted in pursuance of this Act) and with the consent of the Local Government Board such further money as may be necessary for any of the other purposes of this Act. A.D. 1901.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards the purposes (a) and the purposes of the tramway undertaking of the Corporation the revenue of that undertaking and the borough fund and borough rate (or either of those securities) and as regards other purposes the district fund and general district rate. Provided that the provisions of this subsection shall not limit the power conferred upon the Corporation by this Act to issue one form of mortgage charging the whole of their revenues.

**147.** The powers of borrowing money given by this Act 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 regulations of Public Health Act 1875 as to borrowing, not to apply.

**148.** The Corporation may raise all or any moneys which they are authorised to borrow under the foregoing provisions of this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act. Mode of raising money.

**149.** Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under the foregoing provisions of this Act. Provisions of Public Health Act as to mortgages to apply.

**150.** The Corporation shall pay off all money borrowed by them under this Act (except money borrowed for the purpose of lending the same to the school board) within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :— Periods for repayment of money borrowed.

As to money borrowed for the purposes (a) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within forty years from the date or dates of borrowing the same ;

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As to money borrowed for the purposes (b) mentioned in the said section within sixty years from the date or dates of borrowing the same ;

As to money borrowed for the purpose (c) mentioned in the said section within five years from the date or dates of borrowing the same ;

As to money borrowed with the consent of the Board of Trade or of the Local Government Board within such period as the respective Board may sanction.

Mode of  
payment off  
of money  
borrowed.

**151.** The Corporation shall pay off all money borrowed by them on mortgage under the powers of this Act (except money borrowed for the purpose of lending the same to the school board) either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

Sinking  
fund.

**152.—**(1) If the Corporation determine to repay by means of a sinking fund any money borrowed by virtue of this Act (except money borrowed for the purpose of lending the same to the school board) such sinking fund shall be formed and maintained either—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the money for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with the accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the money for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.



(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking

A.D. 1901. fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Protection  
of lender  
from  
inquiry.

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

Corporation  
not to re-  
gard trusts.

**154.** The Corporation shall not be bound to see to the execution of any trust, whether express 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 of mortgages of the Corporation shall be sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied 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.

Appointment  
of receiver.

**155.—(1)** Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

**(2)** The application for the appointment of a receiver shall be made to the High Court.



**156.** If the Corporation pay off any money borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of money received on capital account not being borrowed moneys they may re-borrow the same but all money so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the money 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.

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Power to  
re-borrow.

**157.—(1)** The town clerk shall within twenty-one days after the twenty-ninth day of September in each year if during the twelve months next preceding the said twenty-ninth day of September any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and 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 if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest 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 the 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.

Return  
respecting  
sinking und...  
to Local  
Government  
Board.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any



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portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(3) This section shall not apply to money borrowed for the purpose of lending the same to the school board.

Separate  
accounts for  
tramway  
undertaking  
application  
of revenue  
and deficiency  
of  
receipts.

**158.—**(1) The Corporation shall keep the accounts in respect of their tramway undertaking separate from their other accounts distinguishing therein capital from revenue and shall apply all money received by them on account of revenue in respect of their tramway undertaking in the manner and in the order following (that is to say) :—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking ;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the undertaking ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments for the purposes of the undertaking ;

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the undertaking ;

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Corporation upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum :



And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the income of the undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith. A.D. 1901.  
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(2) Any deficiency in the revenue of the undertaking shall be forthwith made good out of the borough fund.

**159.** All money borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable. Application  
of money  
borrowed.

**160.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund or district fund as the Corporation having regard to the object of the expenditure shall deem just. Expenses of  
execution of  
Act.

**161.** The accounts of the receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882. Audit of  
accounts.

**162.—**(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans then contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for  
fixing  
equated  
periods.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act. Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.



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Power to  
use one form  
of mortgage  
for all  
purposes.

**163.**—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Fourth Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with stock issued by the Corporation and with all other securities granted by the Corporation at any time after the date of the first creation of such stock.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) There shall be kept at the office of the Corporation a register of the mortgages under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fourth Schedule to this Act or to the like effect.

(8) There shall be kept at the office of the Corporation a register of the transfers of mortgages under this section and within thirty



days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

**164.**—(1) The Corporation may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to grant gratuities in certain cases.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

**165.**—(1) The Corporation may if they think fit by resolution determine that any sum or sums which the Lowestoft School Board (in this Act referred to as "the school board") may be by law authorised to borrow or re-borrow upon the security of any rates or funds and which the school board may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly.

Power to lend to school board.

(2) Any sum which the Corporation shall resolve to lend as aforesaid may be raised either by the issue of stock created and issued by the Corporation under and in accordance with the provisions of Part V. of the Public Health Acts Amendment Act 1890 or may be borrowed in the same manner as money authorised to be borrowed under this Act and shall be charged upon the borough fund and borough rate.

A.D. 1901.

(3) The following provisions shall apply to money borrowed or raised 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 are 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 under subsection (4) (c) of this section of the sum so set apart or the payment thereof into the stock (redemption) fund under subsection (5) (b) of this section 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.

(4) The following provisions shall apply to money borrowed 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 (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) of this section) and all sums set apart out of the borough fund under that subsection 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 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.

(5) The following provisions shall apply to money raised 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 stock (dividends) fund. Provided that if the



sums so received shall be in excess of the dividends payable in respect of the proportion of stock issued to raise money to lend to the school board the excess may be carried to the credit of the borough fund :

(b) All sums received from the school board for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) of this section) and all sums set apart out of the borough fund in pursuance of that subsection shall be paid into the stock (redemption) fund.

(6) 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.

(7) The town clerk shall within twenty-one days after the twenty-ninth day of September in each year if during the twelve months next preceding the said twenty-ninth day of September 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 and 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 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 wilfully failing to make such return the 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 subdivision (c) of subsection (4) of this section any sum by that subdivision required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by order direct that the sum in

A.D. 1901. 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.

PART XVI.

MISCELLANEOUS.

Power to construct rifle ranges.

**166.** The powers of the Military Lands Acts 1892 to 1900 shall extend to empower the Corporation to construct and maintain or contribute to the construction and maintenance of a rifle range or rifle ranges within or without the borough and the Corporation may appropriate part of the lands known as the Denes (other than the Gunton Denes) for the purpose of a rifle range or rifle ranges.

Power to appropriate or sell market lands.

**167.** The Corporation may appropriate to any purpose they think fit the lands situate at the junction of High Street with Compass Lane and formerly used for the purposes of a market or the Corporation may sell lease or otherwise dispose of such lands and shall apply any capital moneys received by them on any such sale lease or disposition in the manner provided by the section of this Act whereof the marginal note is "Proceeds of sale of surplus lands."

General provisions as to byelaws.

**168.** The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made by the Corporation under this Act. Provided that in the application of such provisions to the making of byelaws under the section of this Act whereof the marginal note is "Byelaws as to seashore" the Secretary of State shall be substituted for the Local Government Board and that no byelaws made under this Act and affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Application of sections 265 305 and 306 of Public Health Act 1875.

**169.** Section 265 (Protection of local authority and their officers from personal liability) section 305 (Entry on lands for purposes of Act) and section 306 (Penalty on obstructing execution of Act) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Inquiries by Local Government Board.

**170.—(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. A.D. 1901.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in 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.

**171.**—(1) Where any notice or demand under this Act or under any Local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation or his name affixed to any such notice or demand in print or by a stamp shall be sufficient authentication. Authentica-  
tion and  
service of  
notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any Local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

**172.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. As to  
appeal.

**173.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts. Compensa-  
tion how  
to be deter-  
mined.

**174.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and Recovery of  
penalties.

A.D. 1901. — expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Informations by whom to be laid.

**175.** Save as herein expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid by an officer of the Corporation authorised in that behalf or by the town clerk.

Penalties to be paid over to treasurer.

**176.** All penalties recovered on the prosecution of the Corporation under this Act or under any byelaw thereunder shall be paid to the treasurer of the borough and be by him carried to the credit of the district fund.

Judges not disqualified.

**177.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being a member of the Corporation or liable to the borough rate or the general district rate.

Exemption of Government buildings.

**178.** Without prejudice to any existing right of His Majesty there shall be exempted from the provisions of this Act every building structure or work vested in or in the occupation of His Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any buildings structure or work vested in or in the occupation of any department of His Majesty's Government for public purposes or for the public service.

Saving rights of Crown.

**179.** Nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.



[1 EDW. 7.]

*Lowestoft Corporation Act, 1901.* [Ch. ccxlv.]

**180.** 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 and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys borrowed under the provisions of this Act.

A.D. 1901.  
Costs of  
Act.

A.D. 1901. The SCHEDULES referred to in the foregoing Act.

**THE FIRST SCHEDULE.**

**RATES FOR ANIMALS AND GOODS.**

<i>Animals.</i>	Per Mile.
	s. d.
For every horse mule or other beast of draught or burden - - - - -	0 4
For every ox cow bull or head of cattle - - - - -	0 3
For every calf pig sheep or small animal - - - - -	0 1½

*Goods.*

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - - per ton	0 2
For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs - - - - - per ton	0 2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - - per ton	0 3
For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - - - per ton	0 4
For every carriage of whatever description - - - - -	1 0

*Parcels.*

	Any Distance
	s. d.
For any parcel not exceeding 7 lbs. in weight - - - - -	0 3
For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight	0 5
For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight	0 7
For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight	0 9
For any parcel exceeding 56 lbs. such sum as the Corporation may think fit:	

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.



*For the Carriage of Single Articles of great Weight.*

Per Mile.

A.D. 1901.

s. d.

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Corporation may think fit not exceeding . . . . . per ton 2 0

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Corporation may think fit.

*Regulations as to Rates.*

For articles or animals conveyed on the tramways for a less distance than three miles the Corporation may demand rates and charges as for three miles;

A fraction of a mile beyond an integral number of miles shall be deemed a mile;

For a fraction of a ton the Corporation may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles except stone and timber the weight shall be determined according to Imperial avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity;

In addition to the foregoing rates the Corporation may demand such charges as are reasonable for loading and unloading the animals and goods and if any difference shall arise as to the reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

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THE SECOND SCHEDULE.

THIS INDENTURE made the tenth day of June One thousand nine hundred and one between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF LOWESTOFT (herein-after called "the Corporation") of the first part THE NATIONAL ELECTRIC TRACTION COMPANY LIMITED (herein-after called "the Undertakers") of the second part and THE DRAKE AND GORHAM ELECTRIC POWER AND TRACTION PIONEER SYNDICATE LIMITED (herein-after called "the Guarantors") of the third part.

WHEREAS the Undertakers recently applied to the Light Railway Commissioners in pursuance of the Light Railways Act 1896 for an Order to authorise the construction of certain light railways in the borough of Lowestoft and in districts in the neighbourhood thereof And whereas the said Commissioners

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have made an Order upon the Undertakers' said application whereby a company called the East Anglian Light Railways Company (herein-after referred to as "the Company") is expressed to be incorporated with power to construct the light railways therein mentioned but such Order has not yet been confirmed by the Board of Trade And whereas the Undertakers have withdrawn their application so far as it related to light railways in the said borough And whereas the Corporation are promoting a Bill in Parliament authorising them to construct certain tramways within the said borough and for other purposes Now this indenture witnesseth that it is hereby agreed and declared between the Corporation and the Undertakers as follows (that is to say):—

Interpretation.

1. In these presents unless the subject or context otherwise requires—

The expression "the Undertakers" shall include the successors and assigns of the Undertakers;

The expression "the Corporation" shall include the successors and assigns of the Corporation;

The expression "the Company" shall include the successors and assigns of the Company;

The expression "the borough" shall mean the said borough of Lowestoft;

The expression "the Order" shall mean the said Order of the Light Railway Commissioners in the form in which the same if ultimately confirmed by the Board of Trade shall be so confirmed;

The expression "the Act of Parliament" shall mean the Act (if any) into which the said Bill being promoted by the Corporation as aforesaid shall be passed; and

The expression "the tramways" shall mean the tramways which the Corporation shall construct in pursuance of powers conferred upon them by the Act of Parliament.

Lease of tramways to Company if Order confirmed and capital subscribed.

2. If the Order shall be confirmed by the Board of Trade within six calendar months after the Act of Parliament shall have received the Royal Assent and the Company shall be thereby incorporated and if within six calendar months after the confirmation of the Order the Company shall by the production of a certificate of a justice granted in pursuance of the Order or otherwise reasonably satisfy the Corporation that the whole of the capital of the Company has been issued and accepted and that one half thereof has been paid up and that not less than one fourth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same the Corporation shall grant to the Company and the Company shall accept from the Corporation a lease of the right of user of the tramways and the right of demanding and taking rates and charges in respect of the same for the period upon the terms and subject to the conditions herein-after appearing.



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Period of  
lease and rent.

3. The said lease shall be granted—

(1) For a term of twenty-eight years from the date of the certificate of the Board of Trade that a tramway constructed from the northern boundary of the borough to the southern boundary thereof is fit for public traffic but subject to determination at the option of the Corporation at the end of the first seven fourteen or twenty-one years respectively from the commencement of the term of the lease by six calendar months' notice in writing given to the Company by the Corporation under the hand of their town clerk; and

(2) At an annual rent (payable half yearly) equal to the sum which shall be annually payable by the Corporation for interest upon and for the repayment of the capital sums from time to time borrowed by the Corporation before or during the term of the lease for the purposes herein-after mentioned together with a further sum equal to one per centum per annum upon such capital sums The purposes herein-before referred to are—

(a) Defraying the costs charges and expenses of obtaining the Act of Parliament except in so far as such costs charges and expenses shall be increased by the inclusion in the Act of Parliament of any powers or provisions not connected with tramways or with street widenings;

(b) Defraying the proper cost incurred by the Corporation in carrying out the construction of the tramways including the proper cost of providing and furnishing sufficient waiting-rooms and the proper cost of all such alterations in sewers manholes and gas or water mains and of all such other works as may be necessary or proper in connexion with the construction of the tramways and also the proper cost of providing the carriages to be used upon the tramways and the proper cost of all electrical equipment except the cost of constructing the generating station of the Corporation and the works therein and the works necessary to transmit electrical energy to the point at which under the provisions herein-after contained such energy is to be delivered to the Company by the Corporation; and

(c) Defraying the cost incurred by the Corporation in the purchase of the land for and the execution of the street widenings authorised by the Act of Parliament except such cost of the street widenings numbered 8 9 10 and 15 on the deposited plans and except also one half of such cost of the widening numbered 4 on the said plans:

Provided that if all the tramways shall not be certified to be fit for public traffic upon the same date the lease shall not commence as regards any tramways until such tramways shall be so certified but the lease in respect of the whole of the tramways shall determine upon the same day Provided also that 14 days before the Corporation shall commence the construction of any tramway they shall submit to the Company the specifications and estimates of the work to be carried out upon and in connexion with such tramway and if the Company shall not approve of the same and of such

A.D. 1901. non-approval shall within 7 days from the date of submission give notice to the Corporation any dispute arising in connexion therewith shall be determined by arbitration under the arbitration clause herein-after contained.

As to determination of lease.

4. In the event of the lease granted under the provisions of these presents being determined by the Corporation under their option in that behalf herein-before contained the Corporation shall pay to the Company—

- (1) If such lease is determined at the expiration of seven years from the commencement of the term of the lease a sum equal to one per centum per annum from the commencement of the lease until the determination thereof upon the capital sum borrowed by the Corporation upon which the rent shall have been calculated from time to time but less a sum equal to such proportion of the net profits of the Company earned during the continuance of such lease as shall be fairly attributable to the tramways ;
- (2) If such lease is determined at the expiration of fourteen year from the commencement of the term of the lease a sum equal to such proportion of the net profits of the Company earned during the four years immediately preceding such determination as shall be fairly attributable to the tramways ; and
- (3) If such lease is determined at the expiration of twenty-one years from the commencement of the term of the lease a sum equal to such proportion of the net profits of the Company earned during the two years immediately preceding such determination as shall be fairly attributable to the tramways :

Provided always that any question dispute or difference between the Corporation and the Company as to the amount payable by the Corporation to the Company under this clause shall be determined by arbitration under the arbitration clause herein-after contained.

Form of lease.

5. The lease to be granted under the provisions of these presents shall contain all such clauses and covenants on the part of the Company as may be necessary for the purpose of incorporating in such lease and giving effect to the provisions set forth in the schedule hereto and for the purpose of providing for the performance by the Company of the duties and obligations of the Corporation in connexion with the tramways under the Act of Parliament and shall also contain all such other covenants clauses and provisions as may be necessary or proper to ensure the performance by the Company of their obligations hereunder and the regular and proper working of the tramways by the Company or as are usual in leases of tramways and any question dispute or difference which may arise between the Corporation and the Company as to the form of any such lease shall be determined by arbitration under the arbitration clause herein-after contained.

As to period for borrowing money.

6. Any money borrowed by the Corporation for the purposes mentioned in clause 3 hereof shall be borrowed by the Corporation upon terms involving repayment by instalments, or by contributing to a sinking fund extending over the longest period (not exceeding the expiration of the said period of twenty-eight years from the commencement of the lease) for which powers can be obtained by the Corporation.



7. The Corporation before borrowing any money for the purposes aforesaid shall give to the Company notice in writing under the hand of their town clerk of their intention to borrow the same and of the amount and terms of the proposed loan and the Company shall be entitled if they think fit at any time within twenty-eight days after the service of such notice to lend or procure to be lent to the Corporation the sum intended to be borrowed provided that such loan shall be made or procured by the Company at a rate of interest lower than the rate of interest stated in such notice but otherwise upon the terms stated in such notice.

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Terms of borrowing.

8. Unless otherwise agreed between the Company and the Corporation all carriages used by the Company upon the tramways shall be moved by electrical power and all carriages reasonably required by the Company and all electrical equipment of the tramways for the purposes of conveying energy to the carriages used thereon shall be provided and executed by the Corporation. Provided nevertheless and it is hereby agreed and declared that the Company shall be at liberty at all times whether during the continuance or after the determination of the said lease so long as the East Anglian Light Railway Company are the owners of the railways authorised by the Order to run through cars from the termination of their railway at Kessingland upon and over the tramways between the point on the boundary of the borough where the tramways will meet the railway and a point 25 yards south of the swing bridge over the Lowestoft Harbour upon the terms and conditions following (that is to say) :—

Motive-power carriages running powers.

(1) The Company shall be entitled to run only such cars as run through from the authorised termination of their railway at Kessingland to the said point 25 yards south of the swing bridge :

(2) From and after the determination of the said lease whether by effluxion of time or otherwise the Company shall pay to the Corporation by way of rent—

(a) A sum per car mile for electrical energy based upon the price agreed per unit under the provisions of clause 11 hereof ;

(b) A sum based on the cost to the Corporation of the construction and maintenance of the tramways run over and of electrical equipment thereof :

And if any dispute or difference shall arise under this clause as to the amount of rent payable hereunder in any year the same shall be determined by arbitration under the arbitration clause herein-after contained.

9. The Company shall not at any time hereafter erect any generating station and the Corporation shall as from the date when the Company shall commence to work the tramways or the railways authorised by the Order or any part thereof respectively supply to the Company and the Company shall take from the Corporation all electrical energy which may from time to time be necessary for working such tramways or railways.

Supply of electricity.

10. All electrical energy to be supplied under the terms of this agreement shall be of such a pressure and of such a kind as shall be suitable for the purpose of electric traction upon the tramways or railways for which it is for the time being supplied by the Corporation.

Pressure &c. of electricity supplied.

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Terms of  
supply.

11. All electrical energy supplied to the Company by the Corporation under the terms of this agreement shall be delivered by the Corporation at such convenient point upon the line of route of some tramway within the borough as may be agreed or in default of agreement determined under the arbitration clause herein-after contained and shall be paid for by the Company at such rate as may be agreed or as in default of agreement may be determined under the arbitration clause herein-after contained and the Company shall at their own expense erect and thereafter maintain in good order and repair at the point of delivery and to the satisfaction of the electrical engineer for the time being of the Corporation (herein-after called "the engineer") such meter meters and other apparatus as in the reasonable opinion of the engineer may be from time to time reasonably required to measure or control the amount of the electrical energy supplied by the Corporation to the Company All electrical energy supplied hereunder during any quarter or part of a quarter shall be paid for by the Company to the Corporation within one calendar month after the expiration of the quarter in which the same was supplied (every quarter being taken to determine on one of the usual quarter days) and any question which may arise between the Company and the Corporation in the event of any meter or other apparatus getting out of order as to the amount of electricity supplied in any quarter or otherwise under this clause shall be determined in the case of difference by arbitration.

Failure to  
supply.

12. If at any time the Corporation shall fail to supply to the Company electrical energy in accordance with the terms hereof they shall pay to the Company a reasonable sum by way of compensation such sum to be determined in default of agreement by arbitration Provided that the Corporation shall not be liable to pay such compensation if the failure to supply is occasioned by strike on the part of persons in the employ of the Corporation or by accident or by circumstances over which the Corporation have no control Provided also that the rent reserved by the said lease shall cease and not be payable by the Company to the Corporation during such time as the Corporation shall fail for any cause whatever to supply electrical energy in accordance with the terms hereof.

Purchase by  
Corporation of  
light railways  
authorised by  
the Order.

13. If after the expiration of twenty-eight years from the completion of the railways authorised to be constructed by the Order or of so much thereof as shall be constructed any part of the undertaking authorised by the Order has not been purchased by any local authorities or local authority the Corporation shall be at liberty at any time thereafter upon giving to the Company six calendar months' previous notice in writing under the hand of the town clerk of their intention so to do purchase from the Company and the Company shall thereupon sell to the Corporation the undertaking authorised by the Order or such part thereof as remains unsold upon the terms of the Corporation paying to the Company the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever) of all railways lands buildings works materials and plant of the Company suitable to and used by them for the purpose of the undertaking or any part thereof remaining unsold such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the



application of either party and the expenses of the reference shall be borne and paid as the referee directs. A.D. 1901.

14. The Company shall not at any time sell the undertaking authorised by the Order or any part thereof to any corporation company or person (not being a local authority) except with the consent of the Corporation given under their common seal. Provided always that the consent of the Corporation to any such sale shall not be unreasonably withheld and any question which may arise as to whether any refusal by the Corporation to consent to any such sale is unreasonable shall be determined under the arbitration clause herein-after contained. Company not to sell undertaking without Corporation's consent.

15. Nothing contained in these presents or in the lease to be granted under the provisions hereof shall preclude the Corporation at any time hereafter from applying to Parliament or the Light Railway Commissioners or otherwise for power to construct or from constructing in the borough such light railways and tramways as they may from time to time think proper. Saving right of Corporation to apply for power to construct further tramways or light railways.

16. The Undertakers shall procure that the Order does not authorise the construction of any light railway within the borough and neither the Company nor the Undertakers shall at any time hereafter without the consent in writing of the Corporation under their common seal seek for powers to construct or construct within the borough any light railway or tramway whatsoever. Undertakers and Company not to construct lines in the borough.

17. All costs charges and expenses incurred or to be incurred by the Corporation in and about the preparation settling and execution of these presents or of the agreements made between the Undertakers of the one part and the Corporation of the other part and dated respectively the twelfth day of May one thousand eight hundred and ninety-nine and the thirty-first day of May one thousand nine hundred or in or about the opposition of the Corporation to the making and confirmation of the Order or otherwise in connexion therewith shall be paid by the Undertakers. Costs.

18. Any dispute difference or question which shall at any time arise between the Undertakers or the Company on the one hand and the Corporation on the other hand touching the construction meaning or effect of these presents or any clause or thing herein contained or the respective rights or liabilities of the said parties under these presents or otherwise howsoever in relation to the premises shall be referred to the arbitration of a single arbitrator to be appointed (in default of agreement) by the Board of Trade and this shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force. Arbitration.

19. The foregoing provisions of this agreement (except clause 17 thereof) shall be void and of no effect if the same shall not be confirmed by Act of Parliament to be passed and receive the Royal Assent on or before the thirty-first day of December one thousand nine hundred and two and this agreement is made subject to such alterations (if any) as Parliament may think fit to make therein. Provided always that if any Committee of either House of Parliament shall make any material alteration in this agreement it Agreement to be void unless confirmed.



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shall be competent for either party by notice in writing to be given to the other of them before the Bill for the Act to confirm this agreement shall have been read the third time in the Second House of Parliament to rescind this agreement in which case the same shall (except as to clause 17 hereof) be rescinded and of no effect and the said Bill so far as the same relates to the confirmation of this agreement shall not be proceeded with.

And these presents further witness that it is hereby agreed and declared between the Guarantors and the Corporation that if the Undertakers or the Company make default in the payment of any sum payable by them to the Corporation in pursuance of this agreement then and in every such case the Guarantors will pay to the Corporation the sum in respect of which the default is made and that the Guarantors will (if the Corporation so require) become parties to the lease granted in pursuance of these presents and will covenant with the Corporation for the payment of the rent thereby reserved and for the performance and observance of the lessees' covenants and conditions therein contained for a period of one year from the commencement of the term of the lease.

In witness whereof the parties hereto have hereunto caused their respective common seals to be affixed the day and year first before mentioned.

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#### THE SCHEDULE.

Provisions to be contained in the lease to be granted under this agreement:—

1. Covenants by the Company:—

- (1) To pay rent and all rates taxes duties and assessments and all other outgoings whatsoever except landlord's property tax;
- (2) To maintain in good order repair and condition to the reasonable satisfaction of the surveyor for the time being of the Corporation the tramways and the sub-structure thereof and all posts and other electrical equipment and works connected therewith and all cars and other rolling stock used thereon and during the three calendar months immediately preceding the expiration of the second year of the term of the lease and during the last three calendar months of every subsequent alternate year of the said term to paint all posts used in connexion with electrical equipment with two coats of good oil and white lead paint in a proper and workmanlike manner and at the expiration or sooner determination of the term of the lease to deliver to the Corporation the premises demised in such good order repair and condition;
- (3) Not to permit any post connected with electrical equipment to be used for any advertising purpose whatsoever or without the consent in writing of the Corporation under the hand of the town clerk to allow any advertisement to be displayed on any car or other rolling stock used on the tramways;
- (4) Not to carry any goods or animals on the tramways without the consent in writing of the Corporation under the hand of the town clerk;



- (5) Not to charge or allow to be charged for any single journey between the Lowestoft Station of the Great Eastern Railway Company and any part of the borough on the tramways any fare in excess of one penny ;
- (6) To provide such service of cars as may be reasonably required in the interests of the public and to pay a penalty not exceeding the sum of 5*l.* for every day in which such service is not provided any question as to the service of cars required in the public interests to be determined by arbitration under the arbitration clause to be inserted in the lease as herein-after mentioned ;
- (7) At their own expense to repair maintain and keep in good order and condition to the reasonable satisfaction of the surveyor for the time being of the Corporation so much of the road whereon any tramway is laid as lies between the rails and (where two lines of rails are laid in any road at a distance of not more than four feet from each other) the portion of the road between such two lines of rails and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of the tramway ;
- (8) Not to use salt or other material for thawing the snow on any road and not to allow to remain on the road but immediately to take away any dirt or other matter removed by the Company from the grooves of the rails of the tramways Provided that if the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company shall be entitled at their own cost temporarily to deposit the snow or other matter on the side of the road but not so as to impede or obstruct the ordinary traffic on the road ;
- (9) Not to assign or underlease the premises comprised in the lease or any part of such premises nor without the consent of the Corporation to authorise or permit any person or persons or other company to run carriages on any of the tramways ;
- (10) To comply with the provisions and requirements of the Act of Parliament and of the enactments incorporated therewith so far as they respectively relate to the tramways and with any byelaws and regulations relating to the tramways.

2. Powers for the Corporation :—

- (1) At all times and from time to time to inspect the tramways and works and other demised premises and after seven days' previous notice in writing to the Company under the hand of the town clerk to enter and execute any repairs or other works which under the provisions of the lease ought to have but have not been executed or properly executed by the Company the cost of such repairs or works to be repaid to the Corporation by the Company on demand and in default of payment to bear interest at four per centum per annum from the time when the same became payable ;
- (2) To use any posts connected with electrical equipment as sewer ventilators and to support electrical or other lamps with their necessary or proper appurtenances ;

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- (3) At such times and in such manner as the Corporation shall think fit but so as not to in any way impede obstruct or interfere with the ordinary traffic of the tramways and after giving due notice to the Company of their intention so to do to use the tramways for the removal of night-soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of the Corporation free of all tolls and charges in respect of such user and also from time to time to form and construct such connexions between the tramways and the yards and works of the Corporation as the Corporation may think necessary or proper Provided that plans showing the connexions proposed to be formed or constructed and the mode of forming or constructing the same shall have been first submitted by the Corporation to the Company any questions between the parties as to such plans or the mode of forming or constructing such connexions to be determined under the arbitration clause of the lease Provided also that the Corporation shall not be entitled without the consent of the Company to use any carriages trucks horses electric current or other motive power or to employ any officers or servants of the Company ;
- (4) To be at liberty if they so think fit upon giving to the Company fourteen days' notice in writing of their intention so to do to repair maintain and keep in good order and condition the entire road upon which any tramway is laid and also if they think fit to perform all or any of the obligations referred to in paragraph (2) of clause 1 of this schedule the Company to repay to the Corporation on demand with interest at four per centum per annum in default of such payment the proportion of the cost of the repair maintenance and keeping in good order and condition of such road as is fairly attributable to that part of the road which under the lease the Company is bound at their own expense to repair maintain and keep in good order and condition and also the cost incurred by the Corporation in the performance of the said obligations any question between the parties as to the amounts so payable by the Company to the Corporation to be determined under the arbitration clause of the lease ;
- (5) To stop the traffic on the tramways whenever it may in the opinion of the surveyor for the time being be necessary so to do for the purpose of executing repairs to or any other works upon or in connexion with any road on which any tramway is laid and whenever in the opinion of the mayor for the time being such traffic ought to be stopped by reason of public meetings or processions or otherwise.
3. The lease shall also contain—
- (1) A reservation to the Corporation of power to alter the tramways by the construction of additional crossings passing places sidings junctions and other works by the laying down of double lines in lieu of single lines or of single lines in lieu of double lines or of interlacing lines in lieu of double or single lines on any of the tramways or by altering the position in the road in which any of the tramways shall be constructed and a provision that the rent payable by the Company shall



be proportionately increased upon the execution of such works as if the capital sum borrowed by the Corporation for such purposes had formed part of the sum borrowed by the Corporation for defraying the cost incurred by them in constructing the tramways. Provided that the Corporation shall not substitute single or interlacing line for double line without the consent of the Company and that the rent shall not be increased in pursuance of this clause unless the Corporation and the Company agree or an arbitrator decides that the alteration is reasonably desirable for improving the service of cars or the working of the tramways ;

- (2) A reservation to the Corporation to fully exercise and enjoy all rights powers and privileges for the time being possessed by them with regard to the roads in which the tramways shall be constructed whether as road authority as owners of the electric lighting undertaking or otherwise and a provision that the powers rights and privileges conferred upon the Corporation by the lease shall be deemed to be in addition to and not in derogation of their then existing rights powers and privileges and for the purpose of section 8 of the Lowestoft Electric Lighting Order 1898 the Company shall be deemed to have consented to the breaking up of the tramways ;
- (3) A provision that if the Company discontinue the working of the tramways or any part thereof for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) the Corporation may enter upon and take possession of the tramways and may put an end to the term created by the lease ;
- (4) A provision that if the Company shall at any time fail to make the payments required to be made by the lease or any of them or any part thereof for a period of thirty days after the same shall have become due the Corporation shall without prejudice to their other rights and remedies under the lease or otherwise and in addition thereto be entitled without any previous notice to the Company to enter upon and take possession of the tramways and to seize all carriages running thereon and the fittings and other gear belonging thereto and the Corporation may also enter any premises belonging to the Company which shall be used in connexion with the tramways and may seize sell and dispose of all property found therein and apply the proceeds thereof towards the payment of the sum or sums of money so due as aforesaid and upon such entry as aforesaid the Corporation may if they think fit determine and put an end to the term created by the lease ;
- (5) A provision that if at any time the Company are obliged through the action of the Corporation or of their surveyor to discontinue the working of the tramways or any part thereof then and in such case the said rent or such part thereof as shall be attributable to that part of the tramways of which the working has been discontinued shall

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cease to be payable by the Company during such period as the working of the tramways or such part thereof as aforesaid shall have been discontinued and any question which may arise between the company and the Corporation as to the proportion of the said rent or the period for which the same shall cease to be payable shall be determined by arbitration under the arbitration clause of the lease;  
 (6) An arbitration clause similar in form mutatis mutandis to the arbitration clause contained in this agreement.

The common seal of the mayor aldermen and burgesses of the borough of Lowestoft was hereto affixed by order of the town council of the said borough at a meeting held on the tenth day of June 1901



JAMES BECKETT Jr. Mayor } Members of the  
 CHAS. Y. FRY } Town Council.  
 R. BEATTIE NICHOLSON  
 Town Clerk.

The common seal of the National Electric Traction Company Limited was hereto affixed in the presence of



FREDK. KING } Directors.  
 C. S. OXENBURGH }  
 ROBERT DAND Secretary.

The common seal of the Drake and Gorham Electric Power and Traction Pioneer Syndicate Limited was hereto affixed in the presence of



B. M. DRAKE } Directors.  
 J. F. ALBRIGHT }  
 ROBERT DAND Secretary.

**THE THIRD SCHEDULE.**

**PREMISES OF WHICH PARTS ONLY ARE REQUIRED.**

Borough.	Numbers on deposited Plans.
Lowestoft	3a 8 16 23 25 27 29 38 39 42 43 to 50 51 52 to 56 57 to 75 77 to 81 81a 81b 82 83 86 to 101 107 to 109 111 to 126 135 141 142 144 147 148 148a 149 to 176 153a 164a 166a 168a 170a 171a and 174a.



## THE FOURTH SCHEDULE.

A.D. 1901.

## FORM OF MORTGAGE.

By virtue of the Lowestoft Corporation Act 1901 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Lowestoft (herein-after referred to as "the Corporation") in consideration of the sum of \_\_\_\_\_ pounds paid to the treasurer of the borough by \_\_\_\_\_ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of \_\_\_\_\_ pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of \_\_\_\_\_ per centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year] And it is hereby agreed that the said principal sum of \_\_\_\_\_ pounds shall be repaid at the town hall in the said borough [(subject as herein-after provided) on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_] [by \_\_\_\_\_]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk of the said borough for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein In witness whereof the Corporation have caused their common seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

## THE ENDORSEMENT WITHIN REFERRED TO.

The within-named \_\_\_\_\_ consenting the within-mentioned time for repayment of the within-mentioned principal sum of \_\_\_\_\_ is hereby extended to the

A.D. 1901.

day of \_\_\_\_\_ one thousand nine  
 hundred and \_\_\_\_\_ [and the interest to be paid thereon on  
 and from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
 nine hundred and \_\_\_\_\_ is hereby declared to be at the rate  
 of \_\_\_\_\_ per centum per annum] Dated this  
 day of \_\_\_\_\_ one thousand nine  
 hundred and \_\_\_\_\_

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]  
 [of \_\_\_\_\_] in consideration of the  
 sum of \_\_\_\_\_ pounds paid  
 to me by \_\_\_\_\_ of \_\_\_\_\_  
 (herein-after called "the transferee") do hereby transfer to the transferee  
 [his] executors administrators and assigns (the within-written security) [the  
 mortgage number \_\_\_\_\_ of the revenues of the Corporation of  
 the borough of Lowestoft bearing date the \_\_\_\_\_ day of \_\_\_\_\_  
 ] and all my right and interest under  
 the same subject to the several conditions on which I hold the same at the  
 time of the execution hereof and I the transferee for myself my executors  
 administrators and assigns do hereby agree to take the said mortgage security  
 subject to the same conditions Dated this  
 day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

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