

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]



CHAPTER cxiii.

An Act to authorise the mayor aldermen and burgesses of the borough of Southampton to construct tramways street improvements and an embankment and to make further provision in regard to their tramway and electricity undertakings and the health local government and improvement of the borough and for other purposes. A.D. 1910.
[3rd August 1910.]

WHEREAS the borough of Southampton (in this Act called "the borough") is a county of itself and is a county borough under the government of the mayor aldermen and burgesses of the borough of Southampton (in this Act called "the Corporation"):

And whereas in pursuance of powers conferred upon them by the Southampton Corporation Tramways Acts 1877 to 1905 the Corporation have acquired and constructed and are working an extensive system of tramways in the borough and it is expedient to empower them to construct and work the additional tramways referred to in this Act and to confer further powers upon them in connexion with their tramway undertaking:

And whereas it is expedient to empower the Corporation to construct the street improvements and embankment referred to in this Act:

And whereas in pursuance of the Southampton Electric Lighting Orders 1895 to 1909 the Corporation are supplying electricity in the borough and in the parishes of South Stoneham and North Stoneham in the rural district of South Stoneham and it is expedient to make further provision in regard to their electricity undertaking:

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And whereas it is expedient to make further provision in regard to the streets and buildings in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough be enlarged as by this Act provided:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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 purposes herein-after mentioned and such estimates are as follows:—

(A) For and in connexion with the construction of the tramways authorised by this Act	£ 10440
(B) For the provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramways authorised by this Act	1540
(C) For the purchase of lands for and for and in connexion with the construction of the works authorised by Part III. of this Act other than the embankment and road (Work No. 6)	24747
(D) For and in connexion with the construction of the embankment and road and the reclamation of land (Work No. 6) authorised by Part III. of this Act	55330

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fourth day of November nineteen hundred and nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Southampton Times* and *Hampshire Express* a local newspaper circulating in the borough such notice being

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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 district fund and general district rate: A.D. 1910.

And whereas the said resolution was published twice in the said newspaper 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 ninth day of February nineteen hundred and ten being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and 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 clerks of the peace for the county of Southampton and for the town and county of the town of Southampton respectively 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 *Southampton Corporation Act 1910* and the *Southampton Corporation Tramways Acts 1877 to 1905* and this Act may be jointly cited as the *Southampton Corporation Tramways Acts 1877 to 1910*.

Short and
collective
titles.

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Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Tramways.
- Part III.—Street Improvements and Embankment and
Lands.
- Part IV.—Streets Buildings Sewers and Drains.
- Part V.—Infectious Disease and Sanitary Provisions.
- Part VI.—Common Lodging-houses.
- Part VII.—Fire and Workmen's Compensation Funds.
- Part VIII.—Financial.
- Part IX.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts so far as they are applicable for the purposes and are not inconsistent with the 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 Provided that the said section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section.

Interpretation.

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 Southampton;

“The borough” means the county borough of Southampton;

“The council” means the council of the borough;

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“The mayor” “the town clerk” “the medical officer” A.D. 1910.

“the surveyor” and “the inspector of nuisances” mean respectively the mayor the town clerk the medical officer of health the surveyor and the inspector of nuisances of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices ;

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

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

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

“The tribunal” means the jury arbitrators umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred ;

“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 authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

“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

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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 the rates or contributions leviable by or on the order or precept of the Corporation;

“The Act of 1885” and “the Act of 1897” mean respectively the Southampton Corporation Act 1885 and the Southampton Corporation Tramways Act 1897.

PART II.

TRAMWAYS.

Power to
make tram-
ways.

5. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turn-outs crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways herein-before referred to and authorised by this Act will be situate in the borough and are—

Tramway No. 1 (double line 3·80 chains in length) situate in Four Posts Hill commencing by a junction with the existing tramway at a point 1 chain or thereabouts east of Shirley Road and terminating by a junction with the existing tramway at a point 1 chain or thereabouts west of Hill Lane:

Tramway No. 2 (double line 1 furlong 6·40 chains in length) situate in Commercial Road commencing by a junction with the existing tramway at a point 3 chains or thereabouts west of Blechynden Street and terminating by a junction with the existing tramway at a point 1·30 chains or thereabouts east of Cumberland Place:

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Tramway No. 3 (double line 8·60 chains in length) situate in Shirley High Street commencing by a junction with the existing tramway at a point 0·60 chain or thereabouts south of Park Street and terminating at a point 0·25 chain or thereabouts north of Anglesea Road: A.D. 1910.

Tramway No. 4 (double line 7·90 chains in length) commencing in Terminus Terrace by a junction with the existing tramway at a point 2·40 chains or thereabouts north of Canute Road passing along Terminus Terrace and Platform Road and terminating in the last-named road at a point 5·60 chains or thereabouts west of the intersection of Canute Road and Terminus Terrace:

Tramway No. 5 (double line 3 furlongs 1·10 chains in length) commencing in The Avenue by a junction with the existing tramway at a point 0·60 chain or thereabouts west of the "Stag Gates" passing along Lodge Road and terminating by a junction with the existing tramway in Portswood Road at a point 1·40 chains or thereabouts north of Lodge Road:

Tramway No. 6 (double line 8·20 chains in length) commencing in London Road by a junction with the existing tramway at a point 0·70 chain or thereabouts south of Bellevue Road passing along London Road and The Avenue and terminating in The Avenue by a junction with the existing tramway at a point 3·90 chains or thereabouts north of the intersection of London Road and Ordnance Road:

Provided that—

(A) For the benefit of the owners and occupiers for the time being of premises abutting on Commercial Road between the western boundary of Hamilton House and the western boundary of the Crown and Anchor Inn and notwithstanding anything shown on the deposited plans or herein otherwise stated Tramway No. 2 between the boundaries herein-before mentioned shall be so constructed laid and maintained that a space of not less than eight feet six inches shall intervene between the outside of the footpath on the south side of the said road and the nearest rail of the tramway:

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(B) Notwithstanding anything shown on the deposited plans Tramway No. 5 shall be constructed throughout as double line.

Period for completion of tramways.

6. The tramways authorised by this Act shall be completed within five 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.

Works to form part of tramway undertaking of Corporation.

7. The tramways authorised by this Act and the works connected therewith shall for all purposes form part of the tramway undertaking of the Corporation and the provisions of the Southampton Corporation Tramways Acts 1877 to 1905 and of the enactments incorporated therewith and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramways and works as if they had formed part of the tramways and works authorised by those Acts Provided that nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws and regulations.

As to electrical works &c.

8.—(1) The Corporation may in under or over the surface of the streets or roads in which any of their tramways are or will be situate or in which it may be necessary so to do in order to connect such tramways with any generating station maintain renew and repair existing and construct lay down erect maintain renew and repair additional electric wires conductors poles posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working their tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

(2) Provided that no pole or post shall after the passing of this Act be erected on the carriageway except with the consent of the Board of Trade.

(3) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the

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meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the former Act apply except in accordance with and subject to the provisions of that section. A.D. 1910

9.—(1) Notwithstanding anything contained in the Southampton Corporation Tramways Acts 1877 to 1905 or in this Act the Corporation with the consent of the Board of Trade may— Alteration of tramways.

(A) Make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by the Acts relating to any of the tramways of the Corporation as they find necessary or convenient for the efficient working of those tramways or 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; and

(B) Lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of their tramways either when constructing the tramways or at any time thereafter and construct or take up and reconstruct any of their tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Board of Trade) if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

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(3) Section 37 (Power to make additional crossings &c.) of the Southampton Street Tramways Act 1877 and section 41 (Power to make additional crossings &c.) of the Southampton Street Tramways (Extensions) Act 1888 are hereby repealed.

Restrictions
not to apply
to special
carriages.

10. The restrictions contained in the Southampton Corporation Tramways Acts 1877 to 1905 as to fares for passengers shall not extend to any special carriages run upon the tramways of the Corporation or to any special service of carriages on extraordinary occasions and in respect thereof the Corporation may demand and take such fares as they shall think fit but such restrictions shall apply only to the ordinary carriages or service of carriages appointed from time to time for the conveyance of passengers on the tramways of the Corporation Provided that the running of such carriages shall in no way curtail the ordinary service of carriages.

Shelters or
waiting-
rooms.

11. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers on the tramways of the Corporation and of the servants of the Corporation and may use for that purpose portions of the public streets or roads.

Penalty for
malicious
damage.

12. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the tramways belonging to the Corporation anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways shall be liable to a penalty not exceeding twenty pounds.

Use of
tramway
posts by
Postmaster-
General.

13.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the tramways authorised by this Act and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and

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from time to time to alter any telegraph so supported subject A.D. 1910.
to the following conditions:—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided:
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided:

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- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided :
- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :

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(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided. A.D. 1910.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

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PART III.

STREET IMPROVEMENTS AND EMBANKMENT AND LANDS.

Power to construct street improvements and embankment.

14. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described in the borough together with all necessary or proper works and conveniences connected therewith or incident thereto.

The works herein-before referred to and authorised by this Part of this Act are as follows:—

Work No. 1.—A widening or widenings of Shirley Road on the south-west side thereof:

Work No. 2.—A widening of Four Posts Hill on the south side thereof:

Work No. 3.—A widening of Commercial Road on the south side thereof:

Work No. 4.—A widening of Lodge Road on the north side thereof and of Portswood Road on the west side thereof:

Work No. 5.—A widening of Above Bar Street and High Street on the east and west sides thereof and the construction of new passages under "the Bargate":

Work No. 6.—An embankment and road commencing on the Western Shore at or near to the north-west corner of the yard belonging to the Corporation and used by their works committee extending in a north-westerly direction and terminating on the Western Shore near to Southampton West Station at the point where the public footpath crosses the Old Boundary Stream.

Period for completion of improvements and embankment.

15. The embankment and road (Work No. 6) authorised by this Act shall be completed within ten years from the passing of this Act and the other works authorised by this Part of this Act shall be completed within five years from the passing of this Act and on the expiration of those periods respectively the powers by this Act granted to the Corporation for executing the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Subsidiary works.

16.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connexion with the works authorised by this Part of this

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Act 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 such works and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works 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 wire or apparatus 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 or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

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(2) Provided that—

(A) Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the *Electric Lighting Acts* 1882 and 1888 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the former Act apply except in accordance with and subject to the provisions of that section:

(B) The Corporation shall not alter divert or otherwise interfere with any pipe wire or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the *Telegraph Act* 1878.

17. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of the works authorised by this Part of this Act or for the purpose of providing space for the erection of buildings adjoining or near to such works or for other the purposes of this Part of this Act.

Power to take lands.

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

Period for compulsory purchase of lands.

19. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the

Correction of errors &c. in deposited plans and book of reference.

A.D. 1910. 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 borough for the correction thereof and if it appear to the justices that the omission mis-statement 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 mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the town and county of the town of Southampton and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerks 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.

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

20.—(1) 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 in the First 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 in this section 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 tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties 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 properties 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 properties 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 its 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 properties specified in the notice to treat cannot be severed from the remainder without

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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 properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other 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 (No party to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845.

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

Provisions
as to com-
pensation.

21. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the first day of January nineteen hundred and ten if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

22.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation had been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

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Costs of
arbitration
&c. in cer-
tain cases.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to the costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

23. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed five acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

Power to
purchase
additional
lands by
agreement.

24. 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

Persons
under dis-
ability may
grant ease-
ments &c.

A.D. 1910. privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in 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
retain sell
&c. lands.

25. 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 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 interests 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 sur-
plus lands.

26. 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 resale or exchange or by leasing in pursuance of the powers of this Act 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 provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

- (1) 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:
- (2) The borrowing powers conferred by this Act 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.

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

27. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding in the case of Work No. 6 five feet either upwards or downwards and in the case of the remainder of the works two feet either upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

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Limits of deviation.

28.—(1) The Corporation during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for persons bonâ fide going to or returning from any such house.

29. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be commenced without consent of Board of Trade.

30. For the protection of the Southampton Gas Light and Coke Company and for the protection of the South Hants Waterworks Company (each of whom is in this section referred to as

For protection of Southampton Gas Light and

A.D. 1910. "the company") the following provisions shall in addition to any
Coke Com- other provisions for their protection in this Act or any Act
pany and of incorporated therewith contained have effect unless otherwise
South Hauts agreed between the Corporation and the company (that is to
Waterworks say) :—
Company.

- (1) In this section "apparatus" means (as the case may be) all or any gas mains pipes and other appliances or all or any water mains pipes and other apparatus belonging to the company :
- (2) Before commencing to execute any work authorised by Part III. of this Act in any road or footway in which any apparatus is laid the Corporation shall if they contemplate altering the position of any such apparatus or of so altering the surface of the road or footway as to reduce the depth of the apparatus below such surface give seven days' notice to the company of their intention to execute such work and shall at the same time deliver a plan and section of the proposed work so far as it affects such apparatus. If it should appear to the company that the execution of such work as proposed would endanger any such apparatus or interfere with or impede the supply of gas or water the company may within one month after delivery of the said plan and section give notice to the Corporation to lower or otherwise alter the position of such apparatus in such manner as may be necessary and any difference as to the necessity of any such lowering or alteration shall be settled by arbitration in manner in this section provided for the settlement of differences between the Corporation and the company and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company as the circumstances will admit and under the superintendence of the engineer of the company if he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Corporation are hereby required to give. Provided that—

(A) If the Company by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by

the Corporation of any such works so require the company may and shall with all reasonable expedition by their own engineer or workmen do and execute the necessary works of alteration or lowering of the apparatus of the company in the manner agreed between the company and the Corporation or determined by arbitration as aforesaid and the Corporation shall on completion thereof pay to the company the reasonable expenses actually incurred by them in the execution thereof; A.D. 1910,

(B) If having given such notice in writing the company fail to execute the works with all reasonable expedition the Corporation may notwithstanding such notice themselves execute the works;

(c) The Corporation in the execution of any work shall not remove or displace any apparatus or do anything to impede the passage of gas or water into or through any apparatus without the consent of the company or in any other manner than the company shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of gas or water as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and ready for use and to the reasonable satisfaction of the engineer of the company and any difference between the said engineer and the Corporation shall be settled by arbitration as herein-after provided :

- (3) Where the Corporation under the powers of this Act stop up temporarily any road or bridge they shall provide access for the officers and servants of the company for the purpose of enabling them to repair or renew any of the apparatus of the company :
- (4) The Corporation shall bear and pay to the company any additional expense which may be imposed upon the company in repairing altering or removing any apparatus by reason of the existence of the tramways

A. D. 1910.

authorised by this Act in any road or place where any apparatus shall have been laid down before the construction of the tramway:

- (5) If any difference arises between the company and the Corporation with respect to any interference or control exercised or claimed to be exercised by the company in relation to the execution of any work by the Corporation or in relation to anything to be done or not to be done or any money to be paid under this section or as to the works proposed to be executed by the Corporation for the protection of the apparatus of the company or as to the approval of the said plans and sections such difference shall be determined by arbitration under and according to the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference after notice thereof in writing to the other of them.

For protection of Henry Jacobs and others.

31. The following provisions for the protection of the owners of the premises numbered 21 on the deposited plans (in this section referred to as "the owners") shall except so far as may be otherwise agreed between the owners and the Corporation apply and have effect (that is to say):—

- (1) If the Corporation shall acquire part only of the said premises numbered 21 they shall erect along the new boundary of the said premises fronting Commercial Road a wall not exceeding seven feet in height such wall to be provided with entrance gates similar to the gates in the existing wall and the Corporation shall provide adequate means of access for vehicular traffic to the said premises across the footpath:
- (2) If any question shall arise between the Corporation and the owners as to the form or construction of the said wall or gates or as to the said means of access the same shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 the arbitrator unless otherwise agreed between the parties being appointed by the Local Government Board.

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

PART IV.

A.D. 1910.

STREETS BUILDINGS SEWERS AND DRAINS.

32.—(1) When a road or lane within the borough becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force in the borough require such owner to widen such road or lane so as to give a width of not less than one-half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land.

Further provisions as to new streets.

(2) Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Corporation.

33.—(1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other débris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or cause the houses in such street to be flooded.

For preventing soil &c. from being washed into streets.

(2) If any person shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

34. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of a notice of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the

For preventing water flowing on footpaths.

A.D. 1910. period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Forecourts to be fenced off from streets.

35.—(1) Whenever any person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

(2) 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 forty shillings.

Trees or shrubs overhanging streets and footpaths.

36.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days 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.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives written 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.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Courts to be flagged.

37.—(1) The owner or owners of any existing court or yard or of any passage used in common by two or more occupiers (not being a highway repairable by the inhabitants at large) or of any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalt concrete or paving and drain in good repair.

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners. A.D. 1910.

38. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the borough regulating the construction of buildings the Corporation shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):— As to buildings of iron steel or re-inforced concrete.

(1) Where a person is desirous of erecting an iron steel or re-inforced concrete building or structure he shall make an application to the Corporation accompanied by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Corporation:

(2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars:

(3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Corporation and as to the precautions to be taken in connexion with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

A.D. 1910.

Byelaws as
to building
materials.

39. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Provisions
as to house
without
water
supply.

40. 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 unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Erection of
buildings to
greater
height than
adjoining
buildings.

41.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

(2) Any person who shall offend 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.

Means of
escape from
buildings in
case of fire.

42.—(1) Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) Any person who shall offend 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. A.D. 1910.

43.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet. Area of habitable rooms.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

(3) 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 forty shillings.

44.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the borough shall provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient water or other closets and urinals. Sanitary conveniences for workmen engaged on buildings.

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

45.—(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 section 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 section called a "surface-water sewer"). Separate sewers for surface water and sewage may be required.

(2) Where under the provisions of any Acts for the time being in force in the borough 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. Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface-water from such separate surface-water sewers.

A.D. 1910.

(3) (A) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers 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:

(B) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

(c) 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.

Corporation may require enlarged sewer.

46. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

47. The powers given by section 19 (Extension of 38 & 39 Vict. cap. 55 s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Watercourse not to be covered in except in accordance with approved plan.

48.—(1) Before the owner of any land within the borough shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as herein-after provided require such owner to so construct any

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse : A.D. 1910.

Provided that—

(A) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted ;

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of the works required by the Corporation to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

49. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose. Corporation may make communications between private drains and their sewers on payment &c.

50.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws of the Corporation. Reconstruction of drains.

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

A.D. 1910.
Notice of
intention to
repair drains.

51.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Corporation authorised in writing by the medical officer for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Improper
construction
or repair of
watercloset
or drain.

52.—(1) If a watercloset drain or soil pipe 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 shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

(2) 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 proves 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 penalty and the said other person may be summarily convicted of the offence.

Wilful
damage to
drains water-
closets &c.

53.—(1) If any person causes any drain watercloset earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water-supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved

by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act. A.D. 1910.

54. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine. Street orderly bins.

55.—(1) The soil-pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Corporation shall direct. Soil-pipes to be ventilated.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

56. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. Penalty on occupiers refusing execution of Act.

57. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connexion with their railway under any Act of Parliament. Saving as to railway companies.

A.D. 1910.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

For regulat-
ing manufac-
ture and sale
of ice-cream
&c.

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

(A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or 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 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 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.

(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

Inspection of
premises of
dealer in
ice-cream.

59.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar

commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned. A.D. 1910.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

60. The Corporation may appoint more than one inspector of nuisances and sections 189 and 191 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly. Power to appoint additional inspectors of nuisances.

61.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease. Information to be furnished to medical officer and penalty for furnishing false information.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

62. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour Removal of body of person dying of infectious disease.

A.D. 1910. to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

63.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (Notification of infectious disease) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Defining the establishing of a new business.

64. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Watercourse choked up to be a nuisance under Public Health Act 1875.

65. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

66. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the borough so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1910.
Penalty for
throwing
rubbish into
streams.

67.—(1) Public notice of the foregoing 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 municipal offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

68. Any expenses of the execution by the Corporation of this Part of this Act shall be defrayed out of the district fund and general district rate.

Expenses of
this Part of
Act.

PART VI.

COMMON LODGING-HOUSES.

69.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation on or previous to the thirty-first day of December in every year.

Registration
of common
lodging-
houses.

(2) Any person aggrieved by a refusal to renew the registration of a common lodging-house 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 grounds thereof to the town clerk and the court shall have power to make such order as they think fit and to award costs.

(3) Every person who after the thirty-first day of December nineteen hundred and ten shall keep a common lodging-house without the registration of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1910.

(4) Notice of the provisions of this section shall be served upon the keeper of every common lodging-house within the borough either personally or by leaving the same at or sending the same to the common lodging-house.

(5) A copy of a notice endorsed with a certificate purporting to be signed by the town clerk that such notice has been served in accordance with the requirements of the last preceding subsection shall be sufficient evidence that the provisions of such subsection have been complied with.

PART VII.

FIRE AND WORKMEN'S COMPENSATION FUNDS.

Fire insur-
ance fund.

70.—(1) The Corporation may if they think fit establish a fund to be called "the fire insurance fund" with a view of providing a sum of money which in the event of a fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good any loss or damage by or in consequence of fire to any buildings works and property belonging or on loan to or under the care custody or control of the Corporation.

(2) In each year after the establishment of the fire insurance fund the Corporation shall pay into that fund such a sum as would in their opinion be equal to the aggregate amount of the premiums payable in the event of the Corporation insuring their buildings works and property in some public fire insurance office in England but when the fund shall amount to the sum of twenty thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payment until the fund be restored to the sum of twenty thousand pounds Provided that nothing in this Act shall affect the power of the Corporation to insure any of their buildings works and property against loss or damage by fire in any public insurance office in England and if the Corporation so insure any of their buildings works and property the yearly sums payable to the fire insurance fund shall during the continuance of any such insurance be reduced by the amount of the premiums payable in respect of such insurance.

(3) The Corporation shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands

buildings and undertakings or from the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents revenues funds or rates so chargeable then by contributions from the borough fund and borough rate. A.D. 1910.

(4) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses from or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall be invested in securities in which trustees are by law authorised to invest trust moneys and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of twenty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the fund or funds to which the same are properly applicable.

(5) If at any time and from time to time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Corporation by or in consequence of fire they may with the consent of the Local Government Board borrow at interest under and subject to the provisions of the section of this Act of which the marginal note is "Power to borrow" such sums of money as will be necessary to make up the deficiency.

71. The Corporation may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested at compound interest in or upon any securities in which trustees are by law authorised to invest trust moneys and accumulated until the same shall amount to the sum of ten thousand pounds. Provided that the Corporation may from time to time or at any time resort to that fund for any

Power to
create acci-
dent fund.

A.D. 1910. purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount.

PART VIII.

FINANCIAL.

Power to borrow.

72.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely):—

1. Purpose.	2. Amount.	3. Period for Repayment.
(a) For and in connexion with the construction of the tramways authorised by this Act.	£10440	Thirty years from the date or dates of borrowing.
(b) For the provision and erection of posts standards brackets conductors and other apparatus works and conveniences for the purpose of the tramways authorised by this Act.	£1540	Twenty years from the date or dates of borrowing.
(c) For the purchase of lands for and for and in connexion with the construction of the works authorised by Part III. of this Act other than the embankment and road (Work No. 6).	£24747	Fifty years from the date or dates of borrowing.
(d) For and in connexion with the construction of the embankment and road and the reclamation of land (Work No. 6) authorised by Part III. of this Act.	£55330	Fifty years from the date or dates of borrowing.
(e) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that undertaking:

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Board with whose consent it is borrowed. A.D. 1910.

(3) 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 money borrowed for the purposes (A) and (B) herein-before mentioned and any money borrowed for 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;

As regards money borrowed for the purposes (C) and (E) the borough fund and borough rate the district fund and general district rate and the revenue of the tramway undertaking of the Corporation in such proportions as the Corporation may determine;

As regards money borrowed for the purposes (D) the borough fund and borough rate;

As regards money borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe:

The provisions of this subsection shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

73. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) 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. Section 234
of Public
Health Act
not to apply.

74. The following sections of the Act of 1897 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act namely:— Application
of financial
provisions of
Act of 1897.

Section 27 (Provisions as to mortgages);

Section 34 (Power to borrow under Local Loans Act 1875);

A.D. 1910.

Section 36 (Protection of lenders from inquiry);

Section 40 (Application of money borrowed);

Section 41 (Annual return to Local Government Board with respect to sinking fund).

Mode of
payment off
of money
borrowed.

75. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act 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 or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Sinking
fund.

76.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such 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 moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter 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 from time to time 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 A.D. 1910.
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
probable accumulations thereon (in the case of an accumulating
sinking fund) will not be sufficient to repay within the pre-
scribed period the moneys 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

A.D. 1910. — 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 moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking 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 moneys 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 moneys 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.

Corporation
not to regard
trusts.

77. 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 a 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 encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Power to
re-borrow.

78.—(1) The Corporation shall have power—

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily

applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys. A.D. 1910.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 31 (Power to re-borrow) of the Act of 1897 and so much of section 32 of the Act of 1885 as confers upon the Corporation power to re-borrow are hereby repealed but without prejudice to anything done or to be suffered to be done thereunder.

79. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities. Power to invest all sinking funds in statutory securities.

A.D. 1910.

Power to use
one form of
mortgage for
all purposes.

80.—(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 Second 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.

(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) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted 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

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

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. A.D. 1910.

(8) Any mortgagee or other person entitled to any mortgage granted 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 Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted 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 deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) 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.

(11) 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.

81.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

Power to use
sinking fund
instead of
borrowing.

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under

A.D. 1910.

the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

82.—(1) The town clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a 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 together with such further information (if any) as the Board shall require 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 Board out of the High Court.

A.D. 1910.
Annual
return to
Local
Government
Board as to
sinking
fund.

(2) If it appears to the 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 the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the 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

A.D. 1910. — and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

Expenses of execution of Act.

83. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund and borough rate or the district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Audit of accounts.

84. Subject to the provisions of this Act the provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of accounts of Corporation.

85.—(1) From and after the thirty-first day of March nineteen hundred and twelve sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall cease to apply to any accounts of the Corporation or of the treasurer of the borough or of the officers of the Corporation and all accounts of the Corporation and of the treasurer and the officers of the Corporation under any public or private Act of Parliament or otherwise relating to matters dealt with by the Corporation in any capacity and including the accounts of any joint committee and of the officers of any joint committee appointed by the Corporation with the council of any county borough or district or any parish council shall be audited by a district auditor appointed by the Local Government Board in like manner as accounts of an urban authority and their officers are audited under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums as well as all enactments relating to matters incidental to or consequential upon any such accounts or audit shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of that authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights

[10 EDW. 7 & *Southampton Corporation Act*, 1910. [Ch. cxiii.]
1 GEO. 5.]

and there shall be the same appeal as in the case of that audit A.D. 1910.
Provided that for the purposes of this section the First Schedule
to the District Auditors Act 1879 shall be modified in the manner
described in the Second Schedule to the Local Government Act
1888.

(2) Nothing in this section shall apply to the audit of the
accounts of the Corporation for the financial year ending the
thirty-first day of March nineteen hundred and twelve and those
accounts shall be audited by the borough auditors in accordance
with the provisions of the Municipal Corporations Act 1882 as
if this section had not been enacted.

86. The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

(1) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing toward the expenses of the proceedings of any such conferences or meetings :

Power to Corporation to apply funds towards deputations entertainments &c.

(2) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connexion with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough :

(3) Reasonable subscriptions not exceeding in the whole twenty guineas in any one year to the funds of the hospitals established and maintained in the borough for the use and benefit of the public :

(4) Reasonable subscriptions not exceeding in the whole twenty guineas in any one year in aid of local units of the territorial forces rifle clubs and other institutions established in or connected with the borough for the purpose of rendering national or public services.

A.D. 1910.

PART IX.

MISCELLANEOUS.

Application
of Public
Health Acts
to common
and other
lands.

87.—(1) The following lands within the borough which are vested in the Corporation shall be deemed to be parks or pleasure grounds within the meaning of the Public Health Acts and the provisions of those Acts shall apply thereto accordingly (namely):—

- (A) The lands known as “The Common”;
- (B) The lands formerly known as East Marlands West Marlands Houndwell and Hoglands and now known as “The Parks”;
- (C) The lands referred to as the waste lands in the Southampton Marsh Act 1844 but excluding the lands therein referred to as “The Marsh”; and
- (D) The lands known as “Queen’s Park” referred to in the Southampton Corporation (Cemetery &c.) Act 1884 as “Porter’s Meadow.”

(2) Provided that—

- (A) Nothing contained in this Act or in the Public Health Acts shall authorise the erection of buildings on the common or in the parks in contravention of the provisions of section 72 (Provision for keeping common lands always open) of the Southampton Marsh and Markets Act 1865:
- (B) Notwithstanding anything contained in the Public Health Acts all expenses incurred by the Corporation in connexion with the said lands shall be defrayed out of the borough fund and borough rate.

Electrical
fittings.

88.—(1) The Corporation may provide let for hire and fix repair and remove but shall not manufacture lamps electric lines fuses switches fittings lampholders motors and other fittings for lighting and motive power and for all other purposes for which electrical energy can or may be used (in this section called “fittings”) and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) The Corporation may enter into and carry into effect contracts for the execution of any of the powers of this section including the wiring of private property but they shall not themselves execute the wiring of private property except between the main of the Corporation and the consumer's meter. A.D. 1910.

(3) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer unless such sum is included in the price charged by the Corporation for electricity:

(C) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year.

(4) Any expenses incurred by the Corporation in carrying into effect the provisions of this section 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 section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this section shall be applied in manner provided by section 58 (Application of moneys received by local authority as undertakers) of the Southampton Electric Lighting Order 1895.

A.D. 1910.

Notice of processions to be given.

89.—(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 the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at their head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets 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.

Evidence of appointments authority &c.

90. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or of any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach of conditions of consent of Corporation.

91. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

In executing works for owner Corporation only

92. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or

thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

A.D. 1910.
—
liable for
negligence.

93.—(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 shall be sufficient authentication.

Authenti-
cation and
service of
notices &c.

(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 (Service of notices) 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 registered office or at their principal office or place of business.

94. The provisions of the following sections of the Public Health Act 1875 (namely):—

Confirmation
of byelaws.

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

A.D. 1910.

Consent of Corporation to be in writing.

95. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

As to appeal.

96. 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 under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under the provisions 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.

Apportionment of expenses in case of joint owners.

97. Where under the provisions 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 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.

Recovery of penalties &c.

98. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs damages and expenses imposed or recoverable under this Act or any bye-law made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs damages and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

99. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Compensation how to be determined.

100. 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. A.D. 1910.

101. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk. Informations by whom to be laid.

102. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf 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 borough fund or to such other fund as the Corporation shall direct. Penalties to be paid over to treasurer.

103. 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 liable to any rate. Judges not disqualified.

104. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

105. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictment &c.

106.—(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. Inquiries by Local Government Board.

A.D. 1910.

(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.

Powers of Act cumulative.

107. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

108. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

109. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of the tramway undertaking of the Corporation or out of the district fund or out of the borough fund or out of any two or all of them in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act. A.D. 1910.

THE FIRST SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

Borough.	Numbers on deposited Plans.
Southampton - - -	11 to 18 20 21 and 22.

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the *Southampton Corporation Act* 1910 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Southampton (herein-after referred to as "the Corporation") in consideration of the sum of

pounds paid to the treasurer of the borough by
(herein-after referred to as "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 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 municipal offices in the said borough

A.D. 1910. [(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 agreed upon and mentioned in an endorsement to be made hereon under the hand of the mayor and town clerk of the 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 corporate 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
 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]] in consideration of the
[of] pounds paid
sum of of
to me by (herein-after referred to as "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
mayor aldermen and burgesses of the borough of Southampton bearing
date the day of] and
all my right and interest under the same subject to the several conditions

