



CHAPTER clxxxiv.

An Act to make further and better provision for the improvement health and good government of the borough of Cheltenham to provide for the issue of Corporation Stock and for other purposes. A.D. 1889.

[26th August 1889.]

WHEREAS the borough of Cheltenham in the county of Gloucester is a municipal borough under the government for municipal and other purposes of the mayor aldermen and burgesses of the borough (herein-after called "the Corporation") who are also the urban sanitary authority for the district of the borough :

And whereas by the Cheltenham Improvement Act 1852 various powers for the improvement of the borough were conferred on the Cheltenham Improvement Commissioners appointed for the execution of that Act which powers are now vested in the Corporation : 15 & 16 Vict.
c. 1.

And whereas the said Act requires amendment in various particulars and it is expedient to make further and better provision with reference to streets and buildings and sanitary matters (including provisions for prevention of the spread of infectious diseases) and with reference to public parks and pleasure grounds :

And whereas it is expedient to empower the trustees of the hospital known as the Delancey Fever Hospital and the Corporation to make arrangements for joint management of the said hospital and to authorise the Corporation to contribute to the funds of the Cheltenham General Hospital :

And whereas it would be for the benefit and advantage of the inhabitants of the borough if the Corporation were empowered to purchase the pump-room and buildings and pleasure grounds known as the Pittville Estate and to maintain the same subject to the provisions of this Act :

And whereas it is expedient to make such provisions as this Act contains with respect to museums schools of art and similar institutions in the borough and for the regulation of overhead wires and

A.D. 1889. hackney carriages and for the prevention of divers offences and annoyances in the streets of the borough and with respect to other matters of local government :

And whereas it is expedient to authorise the Corporation to borrow for the purpose of contributing to the funds of the Cheltenham General Hospital and for acquiring the Pittville Estate :

And whereas it is expedient that the Corporation be empowered to exercise their statutory borrowing powers for the time being by the creation and issue of Corporation Stock :

And whereas it is expedient to enable the Corporation to equate the periods for repayment of certain of the loans of the Corporation and to make other provisions in connexion therewith and a statement of such loans and sinking funds existing on the twenty-fifth day of March one thousand eight hundred and eighty-nine is set forth in the Second Schedule to this Act :

And whereas under the Cheltenham Improvement Act 1852 there are leviable certain special district rates and also a general rate known as the borough rate out of which the expenses of the Corporation in the execution of the said Act and of the Public Health Act 1875 are defrayed :

And whereas it is expedient that the expenses of the Corporation in the execution both of the said Act of 1852 and of the Public Health Act 1875 be defrayed in manner provided by and out of the general district rate leviable under the said Public Health Act and that the rating provisions of the said Act of 1852 and other of its provisions which are obsolete or unnecessary be repealed :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the fifteenth day of October one thousand eight hundred and eighty-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Cheltenham Examiner" a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should at the option of the council be charged on the borough fund borough rate district fund general district rate or other public funds or rates under the control and management of the council in such proportions as the council may determine or out of moneys to be borrowed by the Corporation on the security thereof :

And whereas such resolution was published twice in the "Cheltenham Examiner" a local newspaper published or circulating in

the borough and has received the approval of one of Her Majestys Secretaries of State and of the Local Government Board : A.D. 1889.

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 on the twenty-eighth day of January one thousand eight hundred and eighty-nine in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament :

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

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

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the Cheltenham Improvement Act 1889. Short title.

2. This Act is divided into parts as follows (that is to say) :— Act divided into parts.

- Part I.—Preliminary.
- Part II.—Sanitary provisions.
- Part III.—Streets and buildings ; Fires.
- Part IV.—Parks and pleasure grounds.
- Part V.—Purchase of Pittville Estate.
- Part VI.—Museums schools of art &c.
- Part VII.—Overhead wires &c.
- Part VIII.—Hackney carriages.
- Part IX.—Porters' licenses.
- Part X.—Markets and slaughter-houses.
- Part XI.—Lands.
- Part XII.—Byelaws.
- Part XIII.—Private improvement works and expenses.
- Part XIV.—Borrowing powers and rates.
- Part XV.—Corporation Stock.
- Part XVI.—Miscellaneous.

3. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be Interpretation of terms.

A.D. 1889. something in the subject or context repugnant to such construction
(that is to say) :—

- “The borough” means the municipal borough of Cheltenham;
- “The council” means the council of the borough;
- “The town clerk” “the treasurer” “the surveyor” “the medical officer of health” and “the inspector of nuisances” respectively mean the town clerk the treasurer the surveyor the medical officer of health and the inspector of nuisances of the borough;
- “The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough;
- “District fund” and “general district rate” mean respectively the district fund and the general district rate of the borough leviable under the Public Health Act 1875;
- “Corporation Stock” means Cheltenham Corporation Stock created by the Corporation under the provisions of this Act;
- “Person” includes corporation;
- “Registered medical practitioner” means any person for the time being registered under the Medical Act 1858 or any Act amending the same;
- “Street” “lands” “premises” “owner” and “rackrent” have the several meanings assigned to them by the Public Health Act 1875;
- “Private street” means a street not repairable by the inhabitants at large;
- “Food” includes every article other than water used for food or drink by man;
- “Daily penalty” means a penalty for each day on which any offence is continued after conviction thereof;
- “The Public Health Acts” means the Public Health Act 1875 and any Acts for the time being in force amending the same;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Acts for the time being in force amending the same;
- “The Act of 1852” means the Cheltenham Improvement Act 1852:

In this Act and for the purposes of this Act in the Acts incorporated with this Act—

The expression “court of competent jurisdiction” or other like expression shall have effect as if the debt or demand with respect to which that expression is used were a simple contract debt and not a debt or demand created by statute.

4. This Act shall be carried into execution by the Corporation acting by the council and the limits of this Act shall be the borough save where otherwise provided.

A.D. 1889.

Act to be
executed by
council.

PART II.—SANITARY PROVISIONS.

(i.) *Infectious Diseases.*

5. For the purposes of this Act "infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Local Government Board may on the application of the Corporation under the provisions and for the purposes of this Act from time to time declare to be infectious.

Definition of
infectious
disease.

6. The following provisions shall apply to and be in force in the borough (that is to say) :—

Notice to be
given of
persons
suffering
from
infectious
disease.

(1) If any inmate of any building used for human habitation be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of illness or other unavoidable cause then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office.

(2) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness or other unavoidable cause then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person.

(3) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the First Schedule to this Act.

(4) Every registered medical practitioner attending on or called in to visit such inmate shall on becoming aware that such

A.D. 1889.

inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering.

(5) The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution.

(6) Every person who shall wilfully offend against any of the enactments contained in this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Infectious diseases other than those specified may be declared to be infectious diseases to which this Act applies.

7.—(1) The Local Government Board may from time to time on the application of the Corporation by order declare that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

(2) Any such order may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in one or more of the local newspapers circulating in the borough and after such public notice has been given the provisions of the section of this Act whereof the marginal note is "Notice to be given of persons suffering from infectious disease" shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act.

(3) The production of the newspaper containing a copy of the order shall be conclusive evidence that public notice of the order has been so given.

(4) The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the borough but the omission to send any such copy shall not affect the validity of such order.

8. Whenever it shall be certified to the Corporation by the medical officer of health or by any other registered medical practitioner that the outbreak or spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk-store or milk-shop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings. Every person who shall wilfully or knowingly offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

A.D. 1889.
Cowkeepers
and others to
furnish lists
of customers
in certain
cases.

9. In case the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milk-store milk-shop or place situate beyond the borough boundary or that the consumption of milk from such farmhouse dairy cowshed milk-store milk-shop or place is likely to cause infectious disease to any person residing in the borough such medical officer shall if authorised in that behalf by an order of a justice having jurisdiction in the place where such farmhouse dairy cowshed milk-store milk-shop or place is situate have power to inspect such farmhouse dairy cowshed milk-store milk-shop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Corporation who may thereupon give notice to the occupier of such farmhouse dairy cowshed milk-store milk-shop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the local authority acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 of the district in which such farmhouse dairy cowshed milk-store milk-shop or place is situate and also to the Local Government Board in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the provinces of such authorities respectively. Any person refusing to permit the medical officer of health on production

Medical
officer of
health may
inspect
dairies &c.
beyond
borough in
certain cases.

A.D. 1889.

of such order as aforesaid to inspect any such farmhouse dairy cowshed milk-store milk-shop or place or after any such notice by the Corporation has been given supplying any milk therefrom within the borough or selling it for consumption therein until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Provided that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milk-store milk-shop or place is situate.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

10. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person washes or mangles or has washed or mangled during the past six weeks and such person shall furnish such list accordingly and the Corporation shall pay for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings. Every person who shall wilfully or knowingly offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

11. Where the Corporation are of opinion on the certificate of the medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection could more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves undertake the cleansing and disinfection of such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section. Any person who shall obstruct any duly authorised officer of the Corporation in

carrying out this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1889.

12. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on any question by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer shall be liable to a penalty not exceeding ten pounds.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

13. No person shall without the sanction in writing of the medical officer of health or other registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Prohibiting the retention of dead bodies in certain cases.

14. If any person shall die from any infectious disease in any hospital or place of temporary accommodation and the medical officer of health or any other registered medical practitioner certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this enactment shall be liable to a penalty not exceeding fifty pounds. But nothing in this section shall prevent the removal of any dead body from any such hospital or place of temporary accommodation to any mortuary and such mortuary shall for the purposes of this section be deemed to be part of such hospital or place of temporary accommodation.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

A.D. 1889.

Justices may
in certain
cases order
dead bodies
to be buried.

15. Where the body of any person who has died from any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or other registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building any justice may on the application of the medical officer of health order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and may direct the same to be buried within a time to be limited in the order or such justice may in the case of the body of any person who has died from any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not
to be carried
in public
conveyance.

16. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease shall be liable to a penalty not exceeding five pounds.

Detention
of infected
person with-
out proper
lodging in
hospital by
order of
justices.

17. The provisions of the Public Health Act 1875 respecting infectious diseases and hospitals shall be and are hereby extended so as to authorise any justice of the peace acting in and for the borough upon proper cause shown to him to make an order directing the detention in hospital at the cost of the sanitary authority of any person in the borough suffering from any infectious disease and not provided with lodging or accommodation in which proper precautions can be taken to prevent the spreading of the disorder by such person Any order so to be made by any such justice may be limited to some specific time but with full power to any justice if he shall see necessary to enlarge such time as often as may be necessary It shall be lawful for any sanitary officer or inspector of police of the borough on any such order being made to take all necessary measures and do all necessary acts for enforcing the execution thereof.

A.D. 1889.

18. Any keeper of a common lodging house in the borough who fails to give the notice required by section 84 of the Public Health Act 1875 shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

Penalty for offences under Public Health Act 1875 s. 84.

19. The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have at the instance of the Corporation been compelled to leave their dwelling for the purpose of enabling such dwelling to be disinfected and the Corporation shall also provide or contract with some person or persons to provide nurses for attendance on persons suffering from any infectious disease within the borough or on children who may have been compelled to leave their dwelling as aforesaid and may charge a reasonable sum for the services of any nurse provided by them.

Temporary shelter nursing &c.

20. For the purpose of carrying into effect the provisions of sections 120 and 121 of the Public Health Act 1875 or either of those sections the Corporation may by any officer appointed in that behalf enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

Power of entry for purposes of sections 120 and 121 of Public Health Act.

21. Where a person not being a pauper is received as a patient into any infectious hospital belonging to or managed by the Corporation the Corporation shall be entitled to recover the reasonable expenses arising out of the reception of such patient from the person who may have applied for the admission of such patient into such hospital in cases where the person so applying stands to such patient in the relation of parent or guardian or in the case of a domestic servant in the relation of master or mistress and the circumstances of the person so applying seem to the Corporation to be such as to render it reasonable that such person should bear such expenses.

Extension of section 132 of Public Health Act 1875.

22. No penalty under the foregoing provisions of this part of this Act shall be recoverable except on the information or complaint of the Corporation or of the medical officer of health or of the inspector of nuisances.

Recovery of penalties.

(ii.) *Hospitals.*

23.—(1) The trustees of the Delancey Fever Hospital and the Corporation may if and while the said hospital remains vested in the trustees enter into and carry into effect an agreement or agreements for vesting the management of the said hospital in a joint

Power to vest management of Delancey Fever Hospital in joint committee.

A.D. 1889. — committee consisting of the whole or such number of the trustees and of such number of the members of the council as the trustees and the council shall agree and the agreed number of trustees and of members of the council shall be chosen by the trustees and by the council respectively and the trustees may by writing under the hands of any seven or more of them delegate to such committee all or any of the powers and duties of the trustees.

(2) An agreement between the trustees and the Corporation under this section may provide for the appointment of a chairman of the committee and for the period of office resignation or removal of its members and for filling casual vacancies and for the quorum of meetings of the committee and generally for regulating its proceedings and any other matters that require regulation for the purpose of the due execution of this section.

Power to contribute to funds of Cheltenham General Hospital.

24. It shall be lawful for the Corporation from time to time to contribute to the funds of the Cheltenham General Hospital such capital sum or sums as the Local Government Board approve for the purpose of enlarging the said hospital or for any other purpose to which capital is properly applicable and also from time to time to contribute to the said funds annually such sum as they may think fit towards the expenses of reception and maintenance therein of persons being inhabitants of the borough on such terms and conditions as may be agreed between the governing body of the said hospital and the Corporation.

(iii.) *Regulations as to Drains Privies &c.*

Corporation empowered to take proceedings for preventing obstructions in water-courses.

25. The Corporation may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing the obstruction of any watercourse or outfall for water within the borough or for the removal of any obstruction from any watercourse or outfall for water and for preventing the improper storage of the water of any watercourse or outfall for water or for preventing the improper discharge of any storage waters into any watercourse or outfall for water passing through the borough or any part thereof whether such discharge takes place in the borough or not.

Powers for supplying courts with waterclosets privies &c.

26. Where the Corporation have resolved to put in force their statutory powers for the purpose of supplying a court or houses in any court alley or similar place with closets ashpits or other sanitary accommodation they may from time to time purchase by agreement any building or part of a building and remove the same

and execute all necessary or proper works and the owner or owners of the houses in the court or place benefited thereby shall be liable to pay the cost of the purchase and the other expenses incurred by the Corporation in the execution of this section and the amount thereof shall (in the case of several owners) be apportioned among them by the surveyor in proportion to the rateable value of the houses belonging to them respectively in such court or place which are benefited by the execution of the works and the total amount or (in the case of several owners) the amount apportioned to each owner shall be recoverable from him or them as the case may be in a summary manner or as private improvement expenses. Provided that if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof he may appeal to a court of summary jurisdiction to determine the amount or apportionment as the case may be.

A.D. 1889.

27. The term "ashpit" in the Act of 1852 and in the Public Health Act 1875 and in this Act shall for the purposes of the execution of the Act of 1852 and of the Public Health Act 1875 and of this Act include any ash-tub or other moveable receptacle for the deposit of ashes or other refuse matter and every such ash-tub or receptacle shall be of such size pattern and construction as the Corporation approve. Any ash-tub or other receptacle which does not satisfy the requirements of the Corporation shall be deemed insufficient within the meaning of the provisions of the Public Health Act 1875. Provided that this section shall not apply to any ash-tub or other receptacle in use at the commencement of this Act so long as the same is in proper order and condition.

Definition of
"ashpit."

28. Every watercloset shall have a good supply of water laid on and an efficient flushing apparatus attached thereto and shall have an opening as near to the top as practicable communicating directly with the external air or shall be otherwise furnished with sufficient means of ventilation. And the pipes immediately supplying water to a watercloset and to the flushing apparatus attached thereto shall be so arranged that water for any other purpose than flushing the closet cannot be drawn therefrom.

Water
supply to
closets.

Any owner of any building who when required by the Corporation fails to provide efficient flushing apparatus or means of ventilation for any watercloset in or connected with such building in accordance with the provisions of this section and any occupier of any such building who fails to keep a good supply of water to any such watercloset in accordance with 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. 1889.

Penalty on
injuring or
fouling
common
privies &c.

29. If any person injures or improperly fouls any public urinal or any watercloset earth-closet privy ashpit or urinal used in common by the occupiers of two or more buildings or of separate parts of the same building he shall be liable to a penalty not exceeding forty shillings.

As to
cleansing of
privies &c.
used in
common.

30. If any watercloset earth-closet privy ashpit or urinal used in common by the occupiers of two or more buildings or of separate parts of the same building or the approaches to or the walls floors seats or fittings of any such closet privy ashpit or urinal or any of them is or are in such a state or condition as to be a nuisance for want of the proper cleansing thereof then any one of the persons having the use thereof in common as aforesaid and who is in default or in the absence of proof satisfactory to the justices as to which of them is in default each of the persons having the use thereof in common as aforesaid shall be liable to a penalty not exceeding ten shillings and a daily penalty not exceeding five shillings.

Extension of
section 41 of
the Public
Health Act
1875.

31. In cases where two or more houses belonging to different owners are connected with a single private drain which conveys their drainage into a public sewer and an application is made under section 41 of the Public Health Act 1875 the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 and such expenses shall be recoverable summarily or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

Refuse and
other
injurious
matters not
to pass into
sewers.

32. It shall not be lawful for any person to throw or to permit or suffer to be thrown or to pass into any sewer of the Corporation or into any drain communicating therewith any matter or substance which would interfere with the free flow of the sewage or surface or storm water or which would be injurious to the construction of the drains or sewers or produce corrosion or decay in the materials thereof or generate noxious or offensive gases or injure or prejudicially affect the grass herbage crops or vegetation of any sewage lands for the time being held by the Corporation Any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and in the case of a continuing offence to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall interfere with any right of the Cheltenham Gas Company under section 51 of the Act of 1852.

33. The Corporation may from time to time give notice in writing to the owner or occupier of any building or land requiring him within a reasonable time to be specified in such notice to remove or to make structural alterations of any urinal or similar convenience belonging thereto or thereon which shall in the opinion of the Corporation be so situated or constructed as to be a nuisance or offensive to public decency and if such owner or occupier shall make default in complying with such requirement within the time specified in such notice the Corporation may if they think fit remove such urinal or similar convenience or may execute the alterations so required and may recover summarily from such owner or occupier the expenses incurred by them in so doing.

A.D. 1899.

Power to
require
removal of
urinal.

PART III.—STREETS AND BUILDINGS; FIRES.

(i) *Streets.*

34. In section 44 of the Act of 1852 the expression "flagging" and in sections 150 and 152 of the Public Health Act 1875 for the purpose of executing the provisions of those sections within the borough the expression "paving metalling and flagging" shall include macadamizing asphaltting gravelling kerbing laying down wood pavement and every method of making a carriageway or footway and words referring to paving metalling and flagging shall be construed accordingly.

Interpreta-
tion of
"paving
metalling
and flag-
ging."

35. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

Continuation
of existing
street to be
deemed a
new street.

36. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

No buildings
allowed until
street
formed &c.

37. The Corporation may if they think fit without prejudice to the exercise of the powers conferred on them by section 44 of the Act of 1852 declare any street or part of a street to be a highway under and by virtue of the said Act or under and by virtue of

Amendment
of law as to
declaring
private street
a highway.

A.D. 1889. — section 152 of the Public Health Act 1875 although all the works specified in the Act of 1852 and section 152 of the Public Health Act 1875 have not been done.

When buildings to be deemed to be in a street.

38. Buildings and lands shall be deemed to be in a street when they abut on or have an access (covered or uncovered) to a street.

Coal shoots vaults &c.

39. No coal shoot area oven vault or cellar grating or opening shall be hereafter placed or constructed in or under the carriageway or footway of any street except with the written consent of the Corporation and then only if formed of such materials and size and in such manner and subject to such terms and conditions as may be prescribed or approved by the surveyor Any person offending against this enactment shall be liable to a penalty not exceeding five pounds.

Repair of vaults &c. under streets.

40. All vaults arches and cellars at any time existing under any street within the borough and all openings into any vaults arches or cellars in the surface of any such street and all cellar heads gratings plates lights and coal-holes existing in the surface of any such street and all walls landings flags or stones of or under the path or street supporting the same respectively shall be by the owners or occupiers of the same or of the houses or buildings to which the same respectively belong kept in substantial repair and in good and proper condition and so as not to occasion any injury to the street or passengers therein and in default thereof it shall be lawful for the Corporation after forty-eight hours' written notice in that behalf from the surveyor to cause the same respectively to be repaired and put in good order and the expenses of so doing shall be settled by the surveyor and be paid to the Corporation by such owner or occupier respectively.

Crossings for horses or vehicles over footways.

41. Every owner or occupier of premises desirous of forming a communication for horses or vehicles across any footway so as to afford access to his premises from any street shall give at least seven days' notice in writing to the Corporation of his intention to do so and shall before permitting the use of such communication construct a sufficient crossing over the footway of the street of such materials and in such manner as shall be satisfactory to the surveyor Any owner or occupier who makes default in complying with the provisions of this section shall be liable to a penalty not exceeding one pound.

Penalty on persons driving across footways.

42. Any person who in any street drives or causes to be driven any cart waggon carriage or other vehicle across over along or on any footway (whether paved or not) except over the part thereof

on which a sufficient crossing has been constructed shall for every such offence be liable to a penalty not exceeding one pound in addition to the amount of damage if any thereby occasioned such amount to be recovered in like manner as penalties under this Act may be recovered. A.D. 1889.

43. If the footway or kerbs of any street belonging to or under the management of the Corporation shall be injured by or in consequence of any excavation or other work on lands adjoining to such footway or kerbs any expenses incurred by the Corporation in repairing the footway or kerbs injured may be recovered summarily by the Corporation from the occupier or owner of the lands or other person responsible for the execution of the excavation or other work. Recovery of damages caused to footways by excavations.

44. Where any street forms the boundary between the borough and another sanitary district the footways and channels of such street which respectively are situate in the borough and such sanitary district shall throughout the whole length of such street and notwithstanding any transverse division of such street by an order of justices for purposes of repair be repairable by or under the direction of the Corporation or the local authority of such sanitary district respectively. And as respects any footways and channels so repairable by or under the direction of the Corporation it shall be lawful for the Corporation to exercise all or any of the powers conferred on them in relation to similar footways and channels in the borough by the Act of 1852 by the Public Health Act 1875 or by this Act. Footways in streets forming boundary between borough and another district.

45. Where any street or part of a street being a public highway or ground abutting on any such street has become or becomes in consequence of the execution by the Corporation of any street works authorised by any Act or Order confirmed by Parliament no longer required for public use or for approach to any property adjoining the same so much thereof as adjoins or abuts upon property acquired by the Corporation is hereby vested in the Corporation freed and discharged from the public right of user thereof. Provided that if any land be injuriously affected by such street or ground being so vested in the Corporation they shall make to the owner and occupier of such land compensation therefor. Streets disused vested in Corporation.

(ii) *Regulations as to Buildings.*

46.—(1) No new building shall without the approval of the Corporation be erected in any street so as to exceed in height the distance from the front of such building to the opposite side of Height of buildings.

A.D. 1889.

the street nor shall the height of any building at any time erected in any street be at any time subsequently increased (without such approval as aforesaid) so as to exceed such distance Provided that the approval of the Corporation shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property.

(2) In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be but in the case of a gable facing the street the measurement shall be to a point half-way between the level of the eaves and the ridge and in the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

Means of
ingress to
and egress
from places
of public
resort.

47. Every building which shall after the passing of this Act be used as a place of public resort shall to the satisfaction of the Corporation be supplied with ample safe and convenient means of ingress and egress for the use of the public regard being had to the purposes for which such building is intended to be used and to the number of persons likely to be assembled at any one time therein and no such building shall at any time be used as a place of public resort unless the provisions of this section shall have been complied with and the means of ingress and egress to and from such building shall be during the whole time that such building shall be so used as available and unobstructed as the Corporation shall require and whenever any building shall be used as a place of public resort contrary to the provisions of this section the occupier or person in charge thereof and where such place is let for any period less than one year the owner thereof as well shall be deemed to have committed an offence against the provisions of this section Every person who shall offend against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

In this section "building used as a place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship or as a college or school (not being merely a dwelling-house so used) or as a theatre public hall public concert room public ball room public lecture room or public exhibition room or as a public place of assembly for persons admitted thereto by tickets or by payment or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose

but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes. A.D. 1889.

48. Where on the plan of any building (whether built before or after the passing of this Act) as submitted to and approved by the Corporation such building or any part thereof is described or shown as or has been approved only as a lock-up shop workshop shed or place of business and not as a dwelling-house the use of such building or part thereof for the purposes of habitation or the alteration or adaptation thereof for purposes of habitation without fresh approval by the Corporation shall be an offence and every person who shall so use or knowingly suffer to be so used such building or part of such building shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings:

Prevention of lock-up shops and other places of business being improperly used for purposes of habitation.

Provided that if such building or part of such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act or byelaw for the time being in force with respect to buildings intended to be used as dwelling-houses and has undergone the structural alterations (if any) necessary in the opinion of the Corporation for converting it into a dwelling-house the Corporation may on the application of the owner thereof authorise the same to be used as a dwelling-house.

The mayor or his deputy or any justice of the peace by warrant under his hand may authorise any officer of the Corporation at any time to enter and examine any building suspected of being used in contravention of this section and any person who prevents or obstructs any such officer so authorised and showing his authority from or in making such inspection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

49. It shall not be lawful to raise fill or embank any ground with any offensive or unwholesome matter nor to erect any building on any ground raised filled up or embanked with any such matter Any person who does or causes or wilfully permits to be done any act in contravention of this section shall be liable to a penalty not exceeding five pounds and a daily penalty not exceeding ten shillings.

Buildings not to be erected on ground filled up with offensive matter.

50.—(1) The approval by the Corporation of any plan of a new building shall be null and void if the execution of the work shown on such plan be not commenced within three years from the date of such approval and at the expiration of that period fresh

Approval of plans.

A.D. 1889. notice deposit and approval shall unless the Corporation otherwise determine be requisite.

(2) The Corporation shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have commenced.

(3) The foregoing provisions of this section shall apply to plans of new streets.

Extension of
s. 72 of
Public
Health Act
1875.

51. Section 72 of the Public Health Act 1875 shall extend to prohibit the letting or occupying or suffering to be occupied as a dwelling of any cellar whatsoever whether separately let or occupied or not unless the requisitions mentioned in the said section have been complied with:

Exemption
of Crown
buildings.

52. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

(iii.) *Fires.*

Captain of
fire brigade
to have
control of
operations.

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

(2) Such captain superintendent or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

(3) Any person who during a fire wilfully disobeys any lawful order of any such officer of the fire brigade of the Corporation shall be liable to a penalty not exceeding five pounds.

54. Any police constable acting under the orders of his superintendent or inspector and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or into any building or lands adjoining or near thereto without the consent of any owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire. A.D. 1889.
Power to enter and break open premises in case of fire.

55. Part III. of this Act shall not apply to any building (not being a dwelling-house) situate on or forming part of any railway and in the occupation of or belonging to any railway company as part of their railway nor to any roads bridges viaducts and other such works as belong to or are to be maintained by any railway company. Certain properties excepted.

PART IV.—PARKS AND PLEASURE GROUNDS.

56. The Corporation may on any special occasion close any park or pleasure ground belonging to them or under their management or any part thereof against the public and may on such occasions admit thereto the members of any society or of any public or private institution or persons being attendants at or supported by any public or private institution or such other persons as the Corporation may think fit they may also authorise the use thereof for any purpose they may approve or may let the same or any part thereof upon such terms and conditions as they may think proper and the admission of individuals to such park or pleasure ground on any such occasion may be either with or without payment as directed by the Corporation and the profits (if any) arising therefrom may be applied to such public purposes as the Corporation may direct: Power to close parks &c. at certain times.

Provided that no such park or pleasure ground shall be closed under the powers of this section on more than twenty-one days in any year.

57. The Corporation may from time to time set apart portions of any park or pleasure ground for the time being belonging to them or under their management for cricket football archery or other games and for the drill of volunteers yeomanry or cadets or any military or police force but so that the same shall be open to the public when not in use for such games or drill and the Power to set apart space for games.

A.D. 1889. Corporation may from time to time make alter and repeal byelaws for regulating the use of the portions so set apart.

Power to provide apparatus for games.

58. The Corporation may provide apparatus for games and recreation for the use of the public frequenting the parks and pleasure grounds belonging to or under the management of the Corporation and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus on such terms and conditions as they think proper.

Power to contribute to a band or other public purpose.

59. The Corporation may from time to time pay or contribute towards the payment of a band or bands of music to perform in any public park pleasure ground or other place of public resort within the borough and may pay or contribute out of the borough fund or borough rate any sum or sums of money to or for any purpose or purposes of a public nature which they may consider will be for the benefit and advantage of the borough Provided that the amount of all such payments or contributions for the purposes aforesaid shall not in any year exceed a sum equal in amount to the sum which would be produced by a rate of one halfpenny in the pound on the net annual value of the property in the borough assessable to the borough rate.

Power to make byelaws for regulation of parks &c.

60. The power to make byelaws for the regulation of public walks and pleasure grounds conferred by section 164 of the Public Health Act 1875 shall extend to and include the making of byelaws for the following purposes relating to any park or pleasure ground belonging to or under the management of the Corporation (that is to say):—

For regulating the days on and hours at which games and gymnastics are to be permitted therein and the use of and payment for the use of any apparatus provided by the Corporation.

Planting of trees and shrubs.

61. The Corporation may from time to time plant and take all necessary steps for the protection and preservation of ornamental trees and shrubs in or on any public park or pleasure ground or open space or street for the time being vested in or under the management of the Corporation.

Trees &c. vested in Corporation and penalty on injuring trees.

62. Trees and shrubs growing or planted in any carriageway bridleway or footway under the management of the Corporation shall continue to be or shall be vested in the Corporation and any person who maliciously cuts down pulls up destroys or damages any such tree or shrub shall be liable to a penalty not exceeding five pounds.

63.—(1) The Act “for the protection of certain gardens or ornamental grounds in cities or boroughs” of the twenty-sixth year of the reign of Her Majesty Queen Victoria chapter thirteen shall (except section 6) extend and be applicable to all gardens or ornamental grounds in the borough which have been for not less than twenty years immediately before the passing of this Act or may hereafter be in any manner set apart for the use or enjoyment of the owners or occupiers of houses surrounding adjoining or near to such garden or ornamental ground whether the same be inclosed on all sides or not and whether set apart by covenant or otherwise.

A.D. 1889.
Application
of 26 Vict.
cap. 13.

(2) The Corporation shall be the authority for the execution of the said Act and shall for that purpose have and may exercise all the powers which were conferred on corporate authorities under that Act and any expenses incurred by them in the execution thereof shall be defrayed by them out of the general district rate and any expenses incurred by a committee chosen under section 1 of that Act shall be defrayed by an addition to the general district rate to be assessed on the occupiers of such houses as therein mentioned and to be specified as a separate item in the demand notes.

(3) Where the owners and occupiers do not agree to undertake the charge of any garden or ornamental ground as mentioned in section 1 of the said Act the Corporation may from the expiration of six months from the date of putting up the notice therein mentioned themselves take charge of and maintain the same.

(4) The power for making byelaws conferred by section 4 of the said Act shall not be exerciseable by any committee of inhabitants but shall be exerciseable by the Corporation who shall nevertheless have regard in framing byelaws for any such garden or ornamental ground as aforesaid to any draft byelaws or recommendations submitted to them by any such committee:

Provided that byelaws made by the Corporation under this enactment shall require confirmation by the Local Government Board and shall not require confirmation or allowance by any judge or justices or other authority.

(5) The provisions of this section do not extend to any portion of the Pittville Estate herein-after mentioned.

64. The expressions “owner of any open space” and “owner of an open space” in the Metropolitan Open Spaces Acts 1877 and 1881 as extended by the Open Spaces Act 1887 to urban sanitary districts shall include the owner of any divided or undivided share or shares in any open space and if there be more than one such

Amendment
of Open
Spaces Acts.

A.D. 1889. owner any conveyance or agreement to be made by them under the said Acts shall if made by two thirds of the owners be as valid and effectual as if the same were made by all such owners :

Provided that if the Corporation are of opinion that the unrestricted admission of the public to the gardens grounds or open spaces or any of them which they acquire or undertake the care and management of under any of the foregoing provisions of this Act or under the said Open Spaces Acts would tend to depreciate or diminish the value or enjoyment of the houses to which the right of user thereof is appurtenant or would be incompatible with the proper care and user thereof by the persons entitled to use the same the Corporation shall in such case by byelaw or order of the council place such prohibition or restrictions on the admission of the public as they may in each case deem necessary or proper.

The provisions of this section do not extend to any portion of the Pittville Estate herein-after mentioned.

Provision as to majority of two thirds.

65. For the purposes of the application by this Act of the above-mentioned Act "for the protection of certain gardens or ornamental grounds in cities or boroughs" (26 Vict. c. 13) and of the above-mentioned Open Spaces Acts where the number of owners and occupiers or of owners is less than twelve and is not divisible by three the majority shall consist of three out of four or five four out of seven five out of eight six out of ten and seven out of eleven and the consent of owners and occupiers or of owners under the aforesaid Acts may be given subject to any terms and conditions that may be agreed between the consenting parties and the Corporation.

PART V.—PURCHASE OF PITTVILLE ESTATE.

Power to purchase Pittville Estate.

66. It shall be lawful for the Corporation to purchase for such consideration not exceeding five thousand four hundred pounds and on such terms and conditions as may be agreed the lands gardens roads drives walks and lake containing altogether forty-four acres or thereabouts situate in the borough and in the parish of Prestbury and known as the Pittville Estate together with the pump-room and other buildings (not being private houses) and all plant and fixtures thereon and the sewers and other rights and appurtenances to the said estate and also the rentcharges which have been granted to or reserved in favour of Thomas Pitt or other the owner or owners of the said estate before the passing of this Act.

67. The Corporation may from time to time after such purchase maintain alter and improve the said estate and pump-room and buildings and may erect maintain alter and improve additional buildings for the use and enjoyment of the public on the said estate and may use or permit the use of the same as or in connexion with a pump-room and for the preparation and sale of the mineral waters on the estate and also as or for a museum or art or science gallery and for exhibitions lectures concerts entertainments or such other purposes as the Corporation from time to time may approve and the Corporation may make such charges for or in connexion with the use of the said buildings and otherwise as they may see fit All receipts of the Corporation under this section shall be carried by them to the credit of the borough fund.

A.D. 1889.

Power to
maintain and
improve
estate &c.

The Corporation may from time to time appoint and remove a manager and such other officers and servants as they may require and may pay them their salaries or wages out of the borough fund.

68. The Corporation may from time to time make alter and repeal byelaws with respect to the management and use of the said estate and pump-room and buildings and grounds connected therewith and for regulating the admission of the public and the charges to be made to the public and for securing the proper behaviour of all persons using the said pump-room buildings and grounds or any of them.

Byelaws for
regulation
of pump-
room &c.

69. The roads on the Pittville Estate shall not be public highways or be repairable by the inhabitants at large unless and until they are declared by the Corporation to be public highways but the expenses of maintenance and repair of the same shall continue to be defrayed out of the like funds as at present or in case and so far as those funds at any time prove insufficient out of the borough fund or rate and neither the transfer of the Pittville Estate to the Corporation under this Act nor any other provision of this Act shall entitle any person to any right of access to or user of any of the said roads to which he was not entitled before the passing of this Act.

Roads on
Pittville
Estate.

70. The Corporation may at any time agree with any person for the time being liable to pay to the Corporation any rentcharge granted to or reserved in favour of the said Thomas Pitt before the passing of this Act for the redemption of such rentcharge by such person on such terms and conditions as the Corporation and such person may agree Any moneys received by the Corporation under this section may be applied by them to any improvement of the

Power to
redeem rent-
charges.

A.D. 1889. Pittville Estate to which capital moneys are properly applicable or in the repayment of moneys borrowed for the purposes of this part of this Act.

Saving
rights of
Pittville
owners and
residents.

71. Nothing contained in this Act shall extend to prejudice any of the rights privileges or immunities of any owner or occupier for the time being of any part of the original Pittville Estate as laid out by Joseph Pitt or of any dwelling-house or building thereon to which such owner or occupier may be entitled under or by virtue of a certain deed of covenants and regulation of the said original Pittville Estate entered into between them or their predecessors in title and Joseph Pitt dated the first day of January one thousand eight hundred and twenty-seven or under or by virtue of any or either of the three deeds of accession to the said deed of covenants and general regulation dated respectively the twenty-eighth day of June one thousand eight hundred and forty-four and the first day of August one thousand eight hundred and forty-five and the twenty-sixth day of December one thousand eight hundred and forty-five.

Provisions
as to
Clarence and
Wellington
Squares and
Pittville
Crescent.

72. The following provisions shall subject to the provisions of the last preceding section also apply and be in force (that is to say):—

1. The enclosed pleasure gardens and lawns in Clarence Square Wellington Square and Pittville Crescent and coloured blue in the plan of the Pittville Estate signed by George Woodyatt Hastings Esquire the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred with the fences and gates thereof shall for ever hereafter be preserved and kept by and at the cost and charges of the Corporation as enclosed pleasure gardens and lawns and kept in neat and good condition for the sole and exclusive use and enjoyment at all times of the respective owners and occupiers for the time being entitled to the user thereof under the said deeds of regulation and accession Provided always that no persons other than the owners and occupiers of the houses in the said squares and crescent (with their visitors and friends) shall be entitled to use the said pleasure gardens and lawns for games and pastimes and that the said owners and occupiers shall only be entitled to use for games and pastimes the pleasure garden and lawn in the square or crescent in which the houses so owned and occupied by them are respectively situate;

2. The sections of this Act the marginal notes whereof are A.D. 1889.
 “ Power to close parks &c. at certain times ” “ Power to set
 apart space for games ” “ Power to make byelaws for regula-
 tion of parks &c.” “ Power to maintain and improve estate
 &c.” “ Byelaws for regulation of pump-room &c.” shall
 not so far as the same are inconsistent with this section
 be applicable to any or either of the pleasure gardens or
 lawns in this section mentioned or referred to or any part
 respectively ;

3. The Corporation shall from time to time have power to make
 alter vary and revoke byelaws for the regulation of such
 pleasure grounds and lawns but such powers shall be
 restricted to the following purposes :—

For regulating games and pastimes and what kind of
 games and pastimes are to be permitted therein by such
 owners and occupiers as herein-before mentioned and
 their visitors and friends and the charges to be made
 for the right to carry on and exercise such games and
 pastimes and for prohibiting any game or pastime
 therein on a Sunday ;

For regulating the days on and hours at which bands of
 music or music of any sort are or is to be permitted
 therein ;

For preventing or regulating the admission therein of
 dogs and other animals ;

For protecting from injury fountains walks seats fences
 and other parts of or things belonging to such pleasure
 gardens and lawns respectively and for preventing the
 destruction or injury of birds animals trees shrubs
 plants or flowers or the plucking of flowers or leaves
 therein ;

For the removal therefrom of any person who may be
 intoxicated unruly or disreputable or of any person not
 being entitled to use the same pleasure gardens and
 lawns under the provisions in this section contained ;

For promoting the better use and enjoyment of such
 pleasure gardens and lawns by the persons for the time
 being entitled to use and enjoy the same respectively
 under the provisions in this section contained.

73. The pleasure gardens and lawns on the Evesham Road and
 coloured purple in the said plan of the Pittville Estate with the
 fences and gates thereof shall for ever hereafter be preserved as

Provisions as
 to pleasure
 gardens on
 Evesham
 Road.

A.D. 1889.

pleasure gardens and lawns and kept by the Corporation in neat and good condition and no building of any kind except that of a band-stand kiosk fountain lodge conservatory greenhouse or similar building nor any public meeting of any kind shall be permitted thereon or any part thereof respectively and the Corporation shall not do or permit or suffer anything thereon or on any part thereof respectively which may be a nuisance or injury to any of the property the owners and occupiers of which have rights of user of the said gardens under and by virtue of the said deeds of regulation and accession.

PART VI.—MUSEUMS SCHOOLS OF ART &c.

Powers of
the Corpo-
ration as to
museums &c.

74. If at any time after the passing of this Act the Corporation shall establish or acquire a museum a school of science or art or an art gallery or any similar institution whether under the Public Libraries (England) Acts 1855 to 1887 or otherwise they shall have power from time to time—

- (a) To make rules and regulations for the use of the said institutions by students and others and for the admission of the public thereto;
- (b) To fix fees and charges for instruction admission to lectures and special exhibitions on such days and occasions as the Corporation may determine but the days on which the public shall be admitted free of charge to any museum or art gallery shall not be less than two hundred days in every year;
- (c) To do all other acts and things necessary or proper for maintaining and regulating the said institutions or any of them.

Byelaws as
to public
libraries &c.

75. The Corporation may from time to time make alter and repeal byelaws for the use and regulation of any public library museum school of science or art or art gallery vested in them or under their control and for the preservation of and prevention of injury to books works of art or other contents of any such library museum school of science or art or art gallery.

PART VII.—OVERHEAD WIRES &c.

Byelaws for
prevention of
danger from
telegraph
wires &c.

76.—(1) The Corporation may from time to time make alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across any street (whether

before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose. A.D. 1889.

(2) By such byelaws provision may be made for the inspection and examination by the Corporation of any such posts wires tubes or other appliances or apparatus and for the prohibition of any such posts wires tubes or other appliances or apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public.

(3) Offenders against such byelaws shall be liable to such reasonable penalties as may be thereby prescribed not exceeding five pounds for each offence and a daily penalty not exceeding forty shillings and in addition to awarding any penalty the court of summary jurisdiction may order the removal of any post wire tube or other appliance which shall be adjudged to be stretched or placed as aforesaid in contravention of any byelaw made by the Corporation under this section.

(4) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper and such reasonable notice of the intended submission of any such byelaw or of any alteration or repeal thereof for confirmation shall be given by the Corporation by advertisement in one or more local newspapers circulating in the district and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such byelaw shall apply and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any byelaw and all costs incurred by any parties in reference to the application for or objection to the confirmation alteration or repeal of any such byelaw shall be in the discretion of the Board of Trade.

(5) The Board of Trade may exempt from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid before such confirmation (herein-after referred to as "an existing work") And the Board of Trade may exempt from any alteration or repeal of any such byelaw for such period as they think proper not exceeding five years from the confirmation of such alteration or repeal any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid

A.D. 1889. prior to such alteration or repeal in accordance with the byelaw proposed to be altered or repealed as originally framed.

(6) Nothing in such byelaws shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

(7) The foregoing provisions of this section shall not apply to or include any apparatus which shall belong to any railway or canal company or which shall be used by them in connexion with their business and which now is or hereafter shall be fixed upon posts or supports upon any railway or the towing-path of any canal provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any public street or be not stretched or placed over any public street crossing over such railway other than public streets which cross any railway on the level.

As to exist-
ing telegraph
wires &c.

77. If during the said period of five years any existing work is in the opinion of the surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

Restrictions
on placing
wires &c.
other than
telegraph
wires &c.
over
across or
along streets.

78. It shall not be lawful for any person to fix or place any rope line cord wire tube or other similar apparatus (other than wires tubes or other apparatus for telegraphic telephonic or any electrical or railway signalling purpose) above ground over across or along any street without the consent in writing of the Corporation which consent may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Telegraphic
&c. commu-
nications
between
offices of
Corporation.

79. The Corporation may from time to time provide and maintain for their offices waterworks and other establishments and premises including the stations of any volunteer or other fire brigades and the private residences of the firemen thereof such telegraphic telephonic or other electrical communications between

such parts of the borough as they may deem fit but such communications shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon Her Majesty's Postmaster-General by the Telegraph Acts 1863 to 1885 and in relation to any such telegraphs or telephones or other electrical communications the Corporation shall for the purposes of the Telegraph Act 1863 be deemed to be and shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones or other electrical communications of any street or court under their own management:

A.D. 1889.

Provided always that the Corporation shall not place any works under in upon or along any railway railway station works streets roads or approaches belonging or leased to or occupied by the Great Western Railway Company except with the consent of that company which consent shall not be unreasonably withheld and such works or any works over or across the said railway roads or approaches shall be executed to the reasonable satisfaction of the said company and under the superintendence of their engineer and in case of any difference arising thereout or out of any application for such consent as aforesaid the same shall be determined by an engineer to be appointed upon the application of either party by the Board of Trade.

80. Nothing in this part of this Act shall extend or apply to any posts wires tubes or other property of Her Majesty's Postmaster-General.

Saving for posts wires &c. of Postmaster-General.

81. Nothing in this part of this Act shall extend to any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of the said Acts apply.

Saving for works of electric lighting undertakers.

PART VIII.—HACKNEY CARRIAGES.

82. The term "hackney carriage" in this Act and the terms "hackney carriage" or "carriages" whenever used in sections 37 40 to 52 (both included) 54 58 and 60 to 67 (both included) of the Town Police Clauses Act 1847 as incorporated with the Public Health Act 1875 shall (anything in section 38 of the Town Police Clauses Act 1847 notwithstanding) be deemed to include wheel-chairs drawn by men and other such like conveyances used for hire (herein-after called "hired chairs") and the provisions of those

Application to chairs of provisions as to hackney carriages.

A.D. 1889. sections shall (subject to the provisions of this Act) apply to the proprietors and drivers of such chairs and the word "driver" in the said incorporated provisions and in this Act shall include chairmen and the word "drive" shall in reference to hired chairs include "draw" and "push" Provided that sections 51 and 52 of the said Town Police Clauses Act 1847 shall not apply to hired chairs.

Prescribed distance.

83. The prescribed distance within which all hackney carriages and hired chairs licensed to ply for hire shall be bound to go shall notwithstanding anything in section 171 of the Public Health Act 1875 be such distance as may from time to time be fixed by order of the Corporation not exceeding for a hackney carriage ten miles and for a hired chair two miles from the municipal offices measured by the nearest appropriate means of access.

Penalty for fraudulent use of numbers and badges.

84. If any person fraudulently or with intent to deceive does either of the following things (namely) :—

- (1) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any hackney carriage ; or
 - (2) Affixes or carries on his person any badge figure or number to resemble any badge figure or number appointed by the Corporation to be carried by a licensed driver or conductor ;
- he shall be liable to a penalty not exceeding forty shillings.

Powers of inspector of hackney carriages.

85. The inspector of hackney carriages and any police constable of the borough may from time to time examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed If any proprietor driver or conductor or other person obstructs or hinders such police constable or inspector in the execution of his duties he shall be liable to a penalty not exceeding forty shillings.

Provisions as to licenses.

86. An occasional license for a hackney carriage may be granted by the Corporation to be in force for such day or days or other period less than one year as may be specified in the license.

Hackney carriage fares to or from railway stations.

87. The said incorporated provisions of the Town Police Clauses Act 1847 and any byelaws for the time being in force in the borough with respect to the fares to be charged by the drivers of hackney carriages plying for hire within the borough shall be as fully applicable in all respects to hackney carriages conveying passengers to or from any railway station within the borough as if such railway station were a public stand for hackney carriages

Provided that nothing in this section shall extend to or empower the Corporation in any way to interfere with any carriage belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station or with the drivers or conductors thereof unless such carriage plies for hire as an ordinary hackney carriage.

A.D. 1889.

PART IX.—PORTERS' LICENSES.

88.—(1) The Corporation may from time to time grant to any person whom they think fit a license to carry on the trade or calling of luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such license and may from time to time make alter and repeal byelaws for regulating the conduct and duties of and for fixing the charges to be made by such persons.

Power to license persons following certain callings.

(2) Every such license shall be in force for a year from the date of issue or for such other period as may be specified therein and may contain conditions as to the badge which the holder of any such license shall wear.

(3) Any such license may be suspended or revoked by any justices before whom the person licensed is convicted of any offence which in the opinion of any such justices makes it expedient that such license should be suspended or revoked.

(4) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the trades or callings specified in this section he shall be liable to a penalty not exceeding twenty shillings but no prosecution for an offence against this sub-section shall be commenced until the Corporation shall have given at least one month's notice of the existence of such enactment by advertising the same in two or more local newspapers circulating in the borough and by distributing handbills as widely as may be reasonably practicable among the persons carrying on the said trades or callings.

PART X.—MARKETS AND SLAUGHTER-HOUSES.

89. Licenses granted after the passing of this Act for the use and occupation of places as slaughter-houses or knackers' yards shall be in force for such time or times only as the Corporation shall think fit to specify in such licenses.

Duration of licenses for slaughter-houses.

A.D. 1889.

Prohibition
of feeding
swine with
blood.

90. It shall not be lawful to feed swine or other animals with the blood or offal of any animal slaughtered in any slaughter-house knacker's yard or other premises and any person offending against this enactment shall be liable to a penalty not exceeding forty shillings.

Notice to be
given in case
of change of
occupation of
a slaughter-
house.

91. Until the Corporation shall have provided public slaughter-houses the following enactment shall be in force—

Upon any change of occupation of any building within the borough registered or licensed for use and used as a slaughter-house the person thereupon becoming the occupier or joint occupier shall give notice in writing of the change of occupation to the inspector of nuisances and in case he fails or neglects to give such notice within one month after the change of occupation occurs he shall be liable to a penalty not exceeding five pounds.

Notice of this enactment shall be endorsed on all licenses hereafter granted and no prosecution for an offence against this section shall be commenced until the Corporation shall have given at least one month's notice of the existence of such enactment by advertising the same in two or more local newspapers circulating in the borough and by distributing handbills as widely as may be reasonably practicable among the occupiers of slaughter-houses in the borough.

PART XI.—LANDS.

Power to
retain sell &c.
lands.

92. Notwithstanding anything contained in the Public Health Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they 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 already acquired by them or to be acquired by them under the powers of this Act and not required for the purposes for which they were acquired and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition Provided that this section shall not be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition in any case where the

consent of the Board would have been required if this Act had not been passed. A.D. 1889.

93. The Corporation may from time to time with the consent of the Local Government Board appropriate and use for the purposes of this Act the Act of 1852 the Public Health Acts or any other Act which the Corporation are for the time being empowered to execute any lands for the time being vested in them as a municipal or urban sanitary authority and not required for the purposes for which they were acquired. Power to appropriate land vested in the Corporation.

94. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in land works or money. Compensation may be in land &c.

95. The Corporation may from time to time accept and hold gifts of land for the erection thereon of statues monuments fountains kiosks band-stands or other similar erections and may keep and maintain the same in good order and repair. Powers for erection of statues &c.

PART XII.—BYELAWS.

96. For the purposes of section 157 of the Public Health Act 1875 the Local Government Acts shall be deemed to have come into force in the borough at the date of the passing of the Act of 1852 that is to say the twenty-eighth day of May one thousand eight hundred and fifty-two. Date of coming into force of the Local Government Acts.

97. The Corporation may from time to time make alter and repeal byelaws for and with respect to the following purposes and matters:— Power to make bye-laws for certain purposes.

1. The position and mode of construction and discharge of rainwater waste and other pipes so as to guard against the introduction into houses of sewer gases :

2. The floors footings recesses hearths fireplaces and stairs of new buildings for securing stability and the prevention of fires and for purposes of health :

Provided that with respect to any such byelaw as involves the execution of works and affects buildings existing at the passing of this Act no penalty shall be enforced unless default has been made for twenty-eight days in complying with a notice from the Corporation requiring the owner or occupier to comply with the provisions of the byelaw.

A.D. 1889.

General provision as to byelaws.

98. All the provisions with respect to byelaws contained in sections 182 to 185 (both included) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority shall apply to all byelaws from time to time made by the Corporation under the powers of this Act Provided that all byelaws may be partly in print and partly in writing including lithograph and any other means of mechanical reproduction.

PART XIII.—PRIVATE IMPROVEMENT WORKS AND EXPENSES.

Definition of private improvement expenses.

99. The expression “private improvement expenses” shall mean and include all private improvement and private street expenses for the repayment whereof the owner of the premises in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner together with the interest chargeable thereon and supervision costs.

Private improvement expenses to carry interest.

100. If any private improvement expenses be not paid within the period of fourteen days from the date of the demand thereof (unless the same be disputed and in that case within fourteen days after the settlement of such dispute) by the Corporation they may after the expiration of such period charge interest thereon to the date of payment after such rate as they may determine not exceeding five pounds per centum per annum and such interest shall be added to and be deemed part of the private improvement expenses and be recoverable accordingly and notice of the surveyor’s apportionment shall be deemed a sufficient demand for all purposes whatsoever except in case of dispute in which case a fresh demand shall be made after the settlement of the dispute.

Corporation may charge supervision in addition to costs.

101. Whenever under any enactment or byelaw for the time being in force within the borough the Corporation either on the application of or in consequence of the default of the owners or occupiers of any premises execute any work the cost of which is payable by such owners or occupiers the Corporation may if they see fit in addition to the actual cost of such works charge and recover in respect of plans sections measuring supervision and all other matters an amount not exceeding five per centum of the amount of the actual cost of such works in this Act referred to as supervision costs.

102. Whenever default is made by the owner of any building or lands in the execution of any work required by any enactment or byelaw for the time being in force within the borough the occupier of such building or lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to such occupier by such owner or such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

A.D. 1889.

Occupier in default of owner may execute works and deduct expenses from his rent.

103. In case the occupier of any premises prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation with respect to the execution of works under the powers of this Act then after notice of this provision given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of twenty-four hours from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse be liable to a penalty not exceeding twenty shillings and during the continuance of such 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 occupier preventing execution of works.

104. In the apportionment of expenses of private street works such expenses shall unless the Corporation otherwise resolve be apportioned according to the frontage of the respective premises in respect of which such expenses are payable but the Corporation may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (namely) :—

Apportionment of expenses.

(A) The greater or less degree of benefit to be derived by any premises from such works ;

(B) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly.

105. Whenever private improvement expenses have been settled or apportioned by the surveyor such settlement and apportionment shall be binding and conclusive on the person liable to pay the

Surveyor's apportionment to be binding.

A.D. 1889. same unless within twenty-eight days from the time of written notice being given to him by the Corporation or the surveyor of the amount of such settlement or apportionment such person shall by written notice dispute the amount of such settlement or apportionment and state the particulars and grounds of his objection in which case the dispute shall be determined by arbitration in manner provided by the Public Health Act 1875 Provided that nothing in this Act shall be construed to deprive any person of the right of appeal to the Local Government Board which is conferred by section 268 of the Public Health Act 1875.

Charge on premises.

106. The Corporation shall for the recovery of private improvement expenses have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

The Corporation shall keep a register of private improvement expenses and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation.

Successive owners to continue liable.

107. Successive owners of the lands houses or other property for or in respect of which any private improvement expenses have been incurred shall be liable to the Corporation for the payment of the same or such part thereof as may for the time being remain unpaid until the same shall have been fully paid and satisfied and such expenses or such part thereof as may for the time being remain unpaid shall constitute a debt due from each successive owner to the Corporation recoverable from him in a summary manner within twelve months of his succession and after that period may be recovered by the Corporation from the owner for the time being of the lands houses or other property summarily or in any court of competent jurisdiction Provided that no debt shall be recovered under the provisions of this section after the expiration of six years from the completion of the works in respect of which such debt is due or in the case of payment by instalments after the expiration of three years from the time when any instalment became due.

Mortgagees in possession may add

108. Where any premises shall be in the possession of any mortgagee or other person having in his own right any charge or

incumbrance thereon such mortgagee or other person shall have and may exercise the same powers and remedies for the recovery of any moneys paid by him in respect of private improvement expenses from the owner of such premises as he has or may exercise for the recovery of the principal money secured by such mortgage or the interest thereof.

A.D. 1889.

moneys paid
by them to
their prin-
cipal.

109. The Corporation may if they think fit from time to time (in addition and without prejudice to any other remedy) recover summarily or as a simple contract debt by action in any court of competent jurisdiction or by either of such means from the owner for the time being of any premises in respect of which any private improvement expenses are payable the whole or any portion of such expenses together with the interest thereon. Provided that any proceeding in a court of summary jurisdiction or county court under this section may be commenced at any time within twelve months of the time when the matter of such proceedings arose but not afterwards.

Recovery
of expenses
summarily
or by action.

110. The Corporation if they think fit may at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate.

Contribution
by Corpora-
tion to ex-
penses.

111. All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this part of this Act and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum but so that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within thirty years.

Power for
limited
owners to
borrow for
expenses.

112. Whenever the Corporation are by this Act or any byelaw for the time being in force authorised to execute re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Corporation execute any work under this Act or any byelaw under this Act upon the application of or by agreement with the owner of the lands houses or other property for or in respect of which the same is to be executed the Corporation may apply the district fund and general district rate in or towards the executing re-executing

Power to
apply district
fund in
executing
works for
private
owners.

A.D. 1889.

or altering of such act or thing but this section shall not affect the liability of any such owner occupier or other person to repay the moneys expended by the Corporation.

Saving for special contracts between landlords and tenants.

113. Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable or recoverable by this Act or any byelaw thereunder of any owner and occupier as between themselves under any special contract relative thereto.

Power of Corporation to borrow for private street works.

114. The Corporation may from time to time with the sanction of the Local Government Board borrow on the security of the district fund and general district rate moneys for the purpose of forming a fund for temporarily providing for the expenses of execution of private street works and the powers of the Corporation to borrow under the Public Health Act 1875 shall be available as if the execution of private street works under this Act were one of the purposes of the Public Health Act 1875.

Power to allow time for payment.

115. The Corporation may by resolution at any time or from time to time allow to any person liable to the payment of private improvement expenses time for the repayment thereof or any part or parts thereof and may order the same to be paid in one sum or by such instalments as the Corporation think fit with such interest on the sum or sums for the time being unpaid not exceeding five pounds per centum per annum as the Corporation may determine and all sums remaining unpaid shall at the expiration of the periods allowed for their repayment be recoverable as the same would have been recoverable had no such time been allowed And with respect to any instalment the time limited for the recovery of private improvement expenses shall be deemed to run only from the time when such instalment becomes due.

Amendment of s. 44. of Act of 1852.

116. The provisions of the Public Health Act 1875 and of this Act with respect to the execution of works of sewerage levelling paving metalling flagging or channelling of private streets and to the apportionment recovery and charge of private street expenses shall extend and apply mutatis mutandis to the execution of the works mentioned in section 44 of the Act of 1852 and to the apportionment recovery and charge of the expenses of such works by the Corporation in default of payment thereof by the owners liable to pay the same.

Railways abutting but not communicating with street

117. No railway company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any street as defined in this Act shall wholly or partially front or abut and which shall be used by

such company solely as part of their line of railway sidings stations or works and shall have no communication with such street and the expenses incurred by the Corporation under the powers of this part of this Act which but for this provision such railway company would be liable to pay shall be paid to the Corporation by the other owners having frontages abutting on such street and in such proportion as shall be settled by the surveyor And in the event of such railway company subsequently making a communication with such street they shall notwithstanding such payment as last aforesaid pay to the Corporation the expense which but for the foregoing provision such railway company would in the first instance have been liable to pay and the Corporation shall divide among the owners for the time being having frontages abutting on such street the amount so paid by such railway company to the Corporation in such proportion as shall be settled by the surveyor But this section shall not apply to any street (as defined in this Act) existing at the date of the passing of this Act.

A.D. 1889.

not to be
chargeable
with ex-
penses under
this Act.

PART XIV.—BORROWING POWERS AND RATES.

118. The Corporation may from time to time with the sanction of the Local Government Board borrow on the security of the district fund and general district rate for the purpose of making a contribution of capital money to the funds of the Cheltenham General Hospital such sum or sums as the Local Government Board approve and may also borrow on the security of the borough fund or the borough rate for the purchase and improvement of the Pittville Estate any sum or sums not exceeding in the aggregate six thousand pounds and such further sum or sums as shall be sanctioned by the Local Government Board and may raise such sums by mortgage or by the creation and issue of Corporation Stock under the powers of this Act or in any manner authorised by the Local Loans Act 1875 as amended by any subsequent Act or in manner authorised by the Public Health Act 1875 as if the purposes for which sums are by this Act authorised to be raised were purposes of the said Public Health Act.

Power to
borrow.

The said sum of six thousand pounds borrowed under this section for the purchase and improvement of the Pittville Estate shall be repaid within fifty years from the time or respective times of borrowing the same and all other sums borrowed under this section shall be repaid within such period as may in each case be sanctioned by the Local Government Board.

A.D. 1889.
Regulations
as to mort-
gages.

119. With respect to moneys borrowed by the Corporation on mortgage under this Act the following provisions shall have effect :—

- (1) All mortgages of the Corporation under this Act shall rank together without priority on account of the date of the deed or on any other account ;
- (2) The provisions contained in sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term local authority in the said provisions shall be construed to mean the Corporation ;
- (3) The Corporation shall pay off all moneys borrowed by them on mortgage under this Act by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or sinking funds created invested and applied in manner provided by the section of this Act the marginal note of which is " Repayment of existing debt."

Power to
re-borrow.

120. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property or of fines or premiums on leases or other moneys received on capital account they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time time re-borrowed under the foregoing provisions for the repayment of such moneys shall be deemed to form the same loan and the obligations of the Corporation with respect to the repayment of such moneys shall not be in any way affected by reason of such re-borrowing.

Application
of moneys
borrowed.

121. All moneys raised under the provisions of this Act shall be applied only to the purposes for which they are respectively authorised to be raised and to which capital is properly applicable and for no other purposes.

Repayment
of existing
debt.

122. If in the opinion of the Corporation it is desirable that the loans of which the particulars are set forth in Part I. or in Part II. of the Second Schedule to this Act should be repaid within a uniform period they may at any time within twelve months

after the passing of this Act resolve that all the loans mentioned in Part I. of that schedule shall be repaid within eighty-one years from the thirty-first day of December one thousand eight hundred and ninety or that all the loans mentioned in Part II. of that schedule shall be repaid within forty years from the same date In the event of such a resolution being passed with respect to either of the said classes of loans the following provisions shall have effect as regards the loans comprised in the resolution (that is to say) :—

- (i) All provisions in force at the passing of this Act prescribing the time at which or the mode in which the loans comprised in the resolution are to be repaid shall be repealed and the said loans and any moneys borrowed by the Corporation in lieu thereof or of any portion or portions thereof which may be from time to time paid off by the Corporation otherwise than by instalments or by means of a sinking fund or appropriations or annual repayments or out of the proceeds of the sale of land or other property or out of fines or premiums on leases may be continued on loan or re-borrowed as the case may be for any term not exceeding in the case of the loans mentioned in Part I. of the said schedule eighty-one years from the thirty-first day of December one thousand eight hundred and ninety and in the case of the loans mentioned in Part II. of the said schedule forty years from the same date Provided that any moneys from time to time re-borrowed shall for the purposes of repayment be deemed to form part of the same loan as the moneys in respect of which such re-borrowing has been made and the obligations of the Corporation with respect to the paying off of debt shall not be affected by reason of such re-borrowing Provided also that nothing in this sub-section shall be construed to compel the holder of any mortgage or other security granted before the passing of this Act to accept payment of the principal due on his security before the time originally fixed or otherwise agreed in that behalf.
- (ii) The repayment of any such loans or portions of loans as shall not be paid off or redeemed with moneys raised by Corporation Stock or in substitution for which Corporation Stock shall not be issued under the powers hereafter in this Act contained shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

A.D. 1889.

- (iii) The sinking fund shall be applicable to such loans or parts of loans as the Corporation are not or do not become bound to repay by instalments as aforesaid and shall be as follows The Corporation year by year after the year one thousand eight hundred and ninety shall on or before the thirty-first day of December appropriate and set apart out of the respective funds and rates on the security of which such loans were borrowed such sums (the amount of which shall be equal in every year) as will together with the amount on the thirty-first day of December one thousand eight hundred and ninety standing to the credit of any existing sinking fund formed for the purpose of repaying any such loan when accumulated by way of compound interest at a rate not exceeding three per centum per annum be sufficient to pay off within the said period of eighty-one years or forty years as the case may be the balance outstanding at that date of so much of the loans respectively mentioned in Parts I. and II. of the said schedule as is to be paid off by means of a sinking fund Provided that in case the income from investments of the sinking fund shall in any year fall short of the prescribed rate of accumulation the deficiency shall be made good out of the current rates and revenues of the Corporation.
- (iv) Every such sinking fund existing on the thirty-first day of December one thousand eight hundred and ninety shall be transferred to the corresponding account in the sinking fund to be accumulated under this section and the Corporation shall on or before the thirty-first day of December one thousand eight hundred and ninety pay into such existing sinking funds all sums due to them at that date including a proportionate part of any yearly payment between the date of the last of such payments and the said thirty-first day of December one thousand eight hundred and ninety.
- (v) The yearly sums so to be appropriated and set apart and the sums so to be transferred shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively and the dividends interest and annual income thereof in any statutory security as herein-after defined.
- (vi) The Corporation may at any time apply the whole or part of any sinking fund set apart or transferred as aforesaid in or towards the repayment of the loans for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and

A.D. 1889.

accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum at which the payments to the sinking fund are based. Provided also that when the amount standing to the credit of the sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

- (vii) Notwithstanding anything in this section contained all existing provisions for the repayment of the loans set forth in the said schedule either by instalments or appropriations or by means of a sinking fund shall remain in force until the date from which the period for repayment of the said loans respectively is calculated and the said existing provisions shall apply so as to require payment into the sinking fund of any proportionate part of any yearly payment.

123. The borough treasurer or accountant shall within forty-two days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount if any remaining invested at the end of the year and in the event of any wilful default in making such return the borough treasurer or accountant shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable summarily by that Board. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any such instalment or to set apart the sum required by this section for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any other purposes than those authorised by this section the

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

A.D. 1889. Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Sinking funds may be adjusted in certain events.

124. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account other than borrowed moneys repay any principal moneys the payments to the sinking fund (if any) established under the provisions of this Act or the amounts of the instalments for the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Power to apply balances.

125. The unapplied balance of any loan raised or moneys borrowed by the Corporation either before or after the passing of this Act other than loans borrowed from the Public Works Loan Commissioners may with the consent of the Local Government Board be applied to any purpose for which the Corporation are for the time being authorised to borrow money on the security of the same rates or revenues as those on the security of which the loan was raised or moneys were borrowed.

Power to apply proceeds of sales of lands &c.

126. The Corporation may with the consent of the Local Government Board apply moneys received by them from any sale lease or exchange of lands belonging to them towards the purchase of any lands or execution of any permanent works for the purchase or execution of which they may have been or shall be authorised to borrow money and the corresponding borrowing power shall be to that extent reduced.

Substitution of district fund and general district rate for borough fund and rate under Act of 1852.

127.—(1) All moneys which have been carried to and are now standing to the credit of a fund called in pursuance of section 114 of the Act of 1852 "the borough fund" shall be carried to the district fund established under the Public Health Act 1875 and the expenses of the execution of the Act of 1852 and of the Public Health Act 1875 (including all expenses incurred in the repair of highways) and all other expenses (if any) which were defrayed out of the borough fund or rate mentioned in section 114 of the Act of 1852 shall after the twenty-fifth day of March one thousand eight hundred and ninety be defrayed out of the district fund and general district rate under the Public Health Act 1875.

(2) All annuities mortgages and other securities which before the passing of this Act were charged wholly or partly on the

borough fund and borough rate mentioned in section 114 of the Act of 1852 or either of them shall on and from the said twenty-fifth day of March by virtue of this Act become and be (so far as they are then subsisting) valid and effectual charges on the district fund and general district rate of the Corporation under the Public Health Act 1875 to the same extent as they were charged on the said borough fund and borough rate and with the like rights powers and remedies for enforcing payment of all or any moneys from time to time due in respect of any such annuity or other security as aforesaid.

A.D. 1889.

128. Special assessments and special district rates under the Act of 1852 shall be discontinued throughout the borough and in the case of all mortgages and other securities charged on the special district rates of the district of St. Mark's or on the special rates of the residue of the borough the principal moneys and interest secured by those mortgages and other securities shall on and from the twenty-fifth day of March one thousand eight hundred and ninety by virtue of this Act become and be (so far as they are then subsisting) valid and effectual charges on the general district rate of the borough under the Public Health Act 1875 to the same extent as they were charged on the said special district rates and with the like rights powers and remedies for enforcing payment of all or any moneys from time to time due in respect of any such mortgages or other securities as aforesaid.

Discontin-
 uance of
 special
 district rates.

129. Nothing in this Act shall exempt the Corporation from any obligation to pay off the principal moneys secured by any mortgage or other security granted under the Act of 1852 within the period prescribed for repayment by the said Act or otherwise.

Saving for
 obligation of
 Corporation
 as to repay-
 ment.

130. In cases where before the passing of this Act a partial exemption from contribution to or being rated towards any particular expenses or class of expenses has existed by virtue of a resolution passed by the Cheltenham Improvement Commissioners or by the Corporation under the powers of the Act of 1852 it shall be lawful for the Corporation to continue such exemption for such period as they may in each case think just and so long as any such exemption continues to exist effect shall be given to it in making and levying the rate applicable to defraying the expenses or class of expenses in question but nothing in this Act shall be construed to take away or prejudicially affect any such exemption conferred by any enactment of the said Act of 1852.

Continuance
 of certain
 exemptions.

A.D. 1889.
Rates may
be kept in
one or more
books.

131. The Corporation may include any municipal rate general district rate water rate rent and charge and all other rates for the time being leviable by them in one or more book or books or set of books with separate columns or divisions for each rate rent or charge.

PART XV.—CORPORATION STOCK.

Interpreta-
tion.

132. In this part of this Act--

“Bank” includes the Governor and Company of the Bank of England and any banking company bankers or banker;

“Statutory borrowing power” means and includes 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 this Act or under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Statutory security” means and includes 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 Corporation Stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875;

“Statutory declaration” means declaration under the Statutory Declarations Act 1835:

The provisions of this part of this Act referring to interest apply to and include instalments of an annuity and half-yearly or other payments of or in respect of a rentcharge rent or other statutory security.

Creation and Charge of Stock.

Creation of
Corporation
Stock.

133.—(1) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this part of this Act the Corporation may from time to time by resolution of the council exercise the power by creation

of redeemable stock to be from time to time issued for such amount within the limit of the power at such price to bear such half-yearly or other dividends and to be so transferable that is to say in books or by deed as the Corporation by the resolution direct Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend and redeemable at the option of the Corporation at one and the same time not being more than eighty-one years from the thirty-first day of December one thousand eight hundred and ninety.

A.D. 1889.

(2) All stock at any time and from time to time so created 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 creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall also rank equally with all other securities of the Corporation at any time after the date of the first issue of any Corporation Stock granted by the Corporation in pursuance of any statutory borrowing power.

(3) The resolution for the first creation of Corporation Stock shall provide that such stock shall be redeemable at the option of the Corporation at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the Corporation by that resolution declare.

(4) Each resolution for creation of stock shall specify that the stock thereby created is redeemable.

(5) Stock so created shall be designated by the Corporation as "Cheltenham Corporation Redeemable Stock."

134. Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Corporation Stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raisable by the Corporation under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Corporation.

Borrowing
power to be
exercisable
for actual
sum raisable.

135.—(1) All Corporation Stock for the time being issued and the dividends thereon shall be and the same are by virtue of this

Charge of
Corporation
Stock.

A.D. 1889. Act charged indifferently on the whole revenues of the Corporation from time to time arising from the land undertakings and other property for the time being of the Corporation and on the borough fund and borough rate and on the district fund and general district rate and on all other funds and rates established and leviable by the Corporation as a municipal body for municipal purposes or as a sanitary authority for sanitary purposes.

(2) The dividends for the time being payable on all Corporation Stock shall rank equally with the interest on all other securities of the Corporation at any time after the date of the first issue of any Corporation Stock created or granted in pursuance of any statutory borrowing power and the same dividends and interest shall subject to all charges existing at that date be the first charge on the revenues and rates aforesaid and on the revenues of the funds aforesaid (all which revenues and rates are comprised in the term "the Corporation revenues" where hereafter used in this part of this Act).

Loans Fund.

Establishment of Consolidated Loans Fund.

136. For payment of dividends on all Corporation Stock and for redemption and extinction or purchase and extinction of all Corporation Stock there shall be established and formed a fund called "the Cheltenham Corporation Consolidated Loans Fund" (in this part of this Act referred to as "the loans fund").

Contributions to Loans Fund for dividends.

137.—(1) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all dividends payable in that year on the several portions of Corporation Stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

(2) They shall provide the sum or sums aforesaid by contributions from the several Corporation revenues (if any) specifically made liable to provide the same by or under any Act of Parliament or any Provisional Order confirmed by Act of Parliament or any order or sanction of any Government department or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which interest would have been payable on money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation Stock and in default thereof or subject thereto they shall provide the same out of the borough fund and borough rate or out of the district fund and general district rate as the

A.D. 1889.

Corporation having regard to the provisions of this part of this Act and to the objects for which the statutory borrowing power was exercised may consider equitable.

(3) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the sums ascertained to be required in that behalf by apportionment of that aggregate amount of dividends among those several Corporation revenues according to the amount of stock the dividends whereon are properly payable thereout respectively.

138.—(1) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all sums payable in that year for redemption and extinction or purchase and extinction of the several portions of Corporation Stock issued in exercise of the respecting statutory borrowing powers of the Corporation and remaining outstanding.

Contribu-
tion to loans
fund for
extinction
of stock.

(2) They shall provide the sum or sums last aforesaid by contributions from the several Corporation revenues (if any) specifically made liable to provide the same by or under any Act of Parliament or any Provisional Order confirmed by Act of Parliament or any order or sanction of any Government department or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which any yearly or other sums would have been payable towards a sinking fund for discharge or towards payment off by instalments appropriations annual repayments or otherwise of money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation Stock and in default thereof or subject thereto they shall provide the same out of the borough fund and borough rate or out of the district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the same amounts as would in the same respective cases have been payable towards a sinking fund or towards payment off as aforesaid those contributions to be subject to accumulations if and as in the same respective cases accumulation was prescribed.

(4) The Corporation shall from time to time by investment on statutory securities of the sums paid into the loans fund in respect of those several contributions or of proper parts thereof and by

A.D. 1889. — like investment of the interest and annual proceeds arising from those securities make and maintain such accumulations as are in this section referred to.

(5) But if the extinction of any portion of Corporation Stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund required by this part of this Act to be applied to the making and maintenance of those accumulations then a sum or sums equal to the dividends on the stock so extinguished shall thenceforth in every year during the residue of the period expressly or by implication limited for the continuance of any loan be paid into the loans fund out of the Corporation revenues chargeable with payment of the dividends on that portion of stock.

Raising of
contributions
to loans
funds.

139.—(1) The Corporation shall from time to time in order to raise the amounts of the several contributions of the two kinds aforesaid out of the several Corporation revenues do all such acts exercise all such powers collect all such money and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purposes of or in relation to the respective statutory borrowing powers in exercise whereof the several portions of Corporation Stock are issued.

(2) If by reason of any limit of rate or for any other reason there is a deficiency on any Corporation revenue in respect of any required contribution the Corporation shall advance the amount of the deficiency out of the borough fund and borough rate or district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3) The amount so advanced shall be a debt due from the Corporation revenue on which the deficiency existed to the fund or rate out of which the advance is made and interest shall be payable thereon at the rate of three pounds ten shillings per centum per annum until repayment and the same debt and interest shall as soon as in the judgment of the Corporation reasonably may be raised and paid out of the Corporation revenue on which the deficiency existed.

Payment of
sale money
rents &c.
to loans
fund.

140.—(1) The Corporation shall subject to the provisions of this Act pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other

property of the Corporation on the revenues whereof any Corporation Stock is charged. A.D. 1889.

(2) The Corporation shall subject to the provisions of this Act pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund the rents and profits of any land and other property of the Corporation acquired by them for the purposes of any undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock and not otherwise wholly or in part appropriated or made applicable by law or by valid contract.

(3) The Corporation before making any payment into the loans fund under this section may deduct from the money or the rents and profits to which this section applies any costs and expenses properly incurred by the Corporation in or about any sale lease or other disposition or the collection and receipt of any rents and profits.

141. The Corporation shall from time to time apply the loans fund first in paying the dividends on all Corporation Stock and next in redeeming Corporation Stock according to the terms of issue and purchasing for extinction Corporation Stock. Application of loans fund.

142. All Corporation Stock redeemed by the Corporation or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Act extinguished. Extinction of stock redeemed or purchased.

143.—(1) As parts of the general account of the loans fund the Corporation shall keep separate accounts relative to— Account of loans fund.

(A) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock; and

(B) Each statutory borrowing power so exercised.

(2) Those separate accounts shall distinguish and show—

(c) The portions of Corporation Stock for the time being unextinguished and chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to that undertaking or purpose; and

(D) The amounts of those several portions of Corporation Stock redeemed or purchased by means of the loans fund and cancelled and extinguished.

A.D. 1889.

(3) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—

(E) All money being capital or in the nature of capital arising from any sale lease or other disposition of land or other property of the Corporation paid into the loans fund and in the judgment of the Corporation properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested; and

(F) All money from time to time received as interest and annual proceeds of the last-mentioned money and securities; and

(G) All money from time to time received as rents and profits of any land and other property of the Corporation so as aforesaid acquired and not otherwise appropriated or made applicable; and

(H) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the last-mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and

(I) All money paid into the loans fund as contributions from the Corporation revenues in respect of dividends on the several portions of Corporation Stock chargeable to that undertaking or purpose; and

(K) All money paid into the loans fund as contributions from the Corporation revenues in respect of redemption and extinction or purchase and extinction of those several portions of Corporation Stock; and

(L) All money being unclaimed dividends paid into the loans fund as herein-after provided.

Application
of income in
reduction of
contribu-
tions.

144.—(1) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as rents and profits of the land and other property of the Corporation or being money paid into the loans fund as interest on cash balances received by the Corporation or being other money paid into the loans fund but not being capital or in the nature of capital and not being required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation may deal with the same as in this section provided.

(2) Where any money is standing on a separate account in the loans fund being money required by this part of this Act to be

applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation after providing for the making and maintenance of those accumulations may if they think fit from time to time invest that money or any part thereof in statutory securities and deal with the interest and annual proceeds of those securities as in this section provided.

A.D. 1889.

(3) The Corporation may if they think fit from time to time apply the money described in paragraph (1) of this section and the last-mentioned interest and annual proceeds to either of the purposes following or to both of those purposes in such proportions as the Corporation from time to time may consider equitable and expedient (that is to say):—

(A) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portions of Corporation Stock comprised in the separate account on which the money or interest and annual proceeds is or are standing;

(B) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund for redemption and extinction or purchase and extinction of those portions of stock.

145. For the purposes of any contribution or account under this part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any loan of the Corporation was contracted or any Corporation Stock was issued may from time to time determine and declare on which of the Corporation revenues any loan of the Corporation or any portion of Corporation Stock is or shall be deemed to be primarily or collaterally charged or determine and declare that any loan of the Corporation or any portion of Corporation Stock shall be apportioned as regards the charge thereof between or among any of the Corporation revenues and every such determination and declaration shall be effectual to all intents.

Determina-
tion as to
charge of
stock.

Conversion of other Securities into Stock.

146.—(1) Where any mortgage bond debenture debenture stock annuity rentcharge or other security granted or created before or after the passing of this Act by the Corporation under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to

Payment off
or substitu-
tion for
existing
securities.

A.D. 1889. — redeem the same they may pay off or redeem the security accordingly with money raised by Corporation Stock or they may with the consent of the holder thereof issue Corporation Stock in substitution for the security.

(2) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Corporation Stock or partly in one and partly in the other.

(3) The Corporation may create and issue Corporation Stock to such amount as may be requisite for purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) In every such case of payment off redemption or substitution the Corporation shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of the sinking fund applicable to the discharge of the security.

(5) Where the holder of the security is one of the persons described in section seven of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(6) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

Effect on Borrowing Powers.

147. On the issue of any portion of Corporation stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows namely :—

A.D. 1889.
Extinction
or suspension
of power.

(A) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Corporation under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but

(B) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be re-borrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

Application of Money raised.

148. Money raised by Corporation stock shall be applied for purposes for which money raisable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise.

General
application
of money
from Corpo-
ration stock.

149.—(1) The Corporation may from time to time invest temporarily on statutory securities (other than stock certificates to bearer) money raised by Corporation stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the loans fund.

Temporary
investment
of money
raised by
stock.

(2) The Corporation may if they think fit from time to time apply the interest and annual proceeds aforesaid or any part thereof in reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the respective portions of Corporation stock by the issue whereof that money is raised.

Registration and Certificates.

150.—(1) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any provision of this part of this Act as they think expedient appoint and keep appointed an officer of the Corporation or other person or any bank as registrar for all or any of the purposes of this part of this Act (in this part of this Act referred to as "the registrar").

Appointment
of registrar.

A.D. 1889.

(2) The Corporation in relation to the provisions of this part of this Act and the registrar shall respectively be deemed a banker within the Bankers' Books Evidence Act 1879.

Corporation
stock re-
gister.

151.—(1) The Corporation or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this part of this Act referred to as "the Corporation stock register").

(2) The Corporation stock register shall be *prima facie* evidence of any matter entered therein in accordance with this part of this Act and of the title of the persons entered therein as holders of stock.

Certificates
of proprie-
torship of
stock.

152.—(1) On demand of a holder of Corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof under their common seal specifying the amount of Corporation stock to which he is entitled (in this part of this Act referred to as a "stock certificate").

(2) A stock certificate shall be *prima facie* evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(3) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(4) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the Corporation stock register.

Transfer.

Power for
stockholder
to transfer.

153. Subject to the provisions of this part of this Act every Corporation stockholder may transfer all or any part of his stock in books or by deed.

Transfer in
books.

154.—(1) If and where the resolution for creation of any portion of Corporation stock makes the same transferable in books and not by deed the provisions of this section shall apply and have effect but not otherwise.

(2) The Corporation or the registrar shall keep books wherein transfers of Corporation stock so transferable shall be entered (in this part of this Act referred to as "the Corporation stock transfer books"). A.D. 1889.

(3) Every such entry shall be conceived in proper words for the purpose of transfer and shall be signed by the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness.

(4) The registrar may if he thinks fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two or more credible witnesses.

(5) The person to whom a transfer is made may if he thinks fit underwrite his acceptance thereof.

(6) Except as otherwise provided by some other Act of Parliament and subject to the provisions of this part of this Act respecting any portion of Corporation stock which the resolution for creation thereof makes transferable by deed and not in books no mode of transferring Corporation stock other than that prescribed in this section shall be good in law.

155.—(1) If and where the resolution for creation of any portion of Corporation stock makes the same transferable by deed and not in books the provisions of this section shall apply and have effect but not otherwise. Transfer
by deed.

(2) Every transfer of Corporation stock so transferable shall be by deed.

(3) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(4) The deed of transfer when duly executed shall be delivered to and kept by the Corporation or the registrar and the Corporation or the registrar shall enter a memorial thereof in a book to be called the register of transfers of Corporation stock and shall indorse on the deed of transfer a notice of that entry.

(5) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock certificate.

(6) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall

A.D. 1889. — not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on transfer.

156.—(1) The Corporation or the registrar before allowing any transfer of stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar with the approval of the Corporation may require.

Closing of transfer books.

157.—(1) The Corporation or the registrar with the approval of the Corporation may as regards any portion of Corporation stock close the Corporation stock transfer books or the register of transfers of Corporation stock (as the case may be) on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than fifteen days.

(2) The persons who on the day of such closing are inscribed as Corporation stockholders shall as between them and their transferees of Corporation stock be entitled to the dividend next payable thereon.

Stamp duty on transfers.

158. Unless the Corporation have compounded for stamp duty all stock issued by the Corporation shall notwithstanding anything in any resolution of the Corporation be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

Transmission.

Transmission on death.

159.—(1) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Corporation or the registrar for registration and may require all the executors who have proved the will to join in the transfer.

Transmission on marriage &c.

160.—(1) If the interest in any Corporation stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory

declaration of one or more competent persons or in such other manner as the Corporation or the registrar require. A.D. 1889.

(2) The declaration shall state the manner in which and the party to whom the stock has been transmitted and shall be left with the Corporation or the registrar.

(3) If the transmission is in consequence of the marriage of a female stockholder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage or other particulars of the celebration thereof and declare the identity of the wife with the holder of the stock.

(4) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

(5) Until the transmission has been so authenticated the Corporation or the registrar shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6) In this section the term "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

Dividends.

161. The Corporation may pay by the registrar the dividends on Corporation stock. Payment of dividends.

162. The Corporation or the registrar shall not be required to allow any executors or administrators to receive any dividend on Corporation stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation or the registrar for registration. Dividends to executors &c.

163. The Corporation or the registrar before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of competent persons or of such other nature as the Corporation or the registrar may require. Evidence of title.

164.—(1) Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation or the registrar by any other of them. Dividends to joint holders.

A.D. 1889.

(2) Where Corporation stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar before acting on the letter of attorney may if they or he think fit require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividend warrants by post.

165.—(1) Where a Corporation stockholder desires to have his dividends sent to him by post he may make a request for that purpose to the Corporation or the registrar in writing signed by him in a form approved by the Corporation and shall give to the Corporation or the registrar an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent.

(2) The posting by the Corporation or the registrar of a letter containing a dividend warrant addressed to a stockholder at his request at the address so given by him shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(3) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Stock Certificates with Coupons to Bearer.

Provisions respecting stock certificates with coupons to bearer.

166.—(1) On demand of a Corporation stockholder the Corporation or the registrar may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupons shall give a title to dividends beyond the time limited for the redemption of the stock.

(2) A Corporation stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3) Notwithstanding anything in this Act a trustee shall not apply for purchase take or hold a Corporation stock certificate to bearer unless he is in express words authorised to do so by the instrument creating his trust and any contravention of this

provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Corporation or the registrar an obligation to inquire or to take notice whether a person applying for or holding a stock certificate to bearer is or is not a trustee or subject the Corporation or the registrar to any liability in case of their or his with or without notice issuing to a trustee a stock certificate to bearer or invalidate any stock certificate to bearer issued.

(4) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable in books or by deed under and according to the provisions of this part of this Act.

(5) The bearer of a Corporation stock certificate to bearer may on delivery up to the Corporation or the registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable in the Corporation stock transfer books or by deed as the case may require and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(6) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

(7) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(8) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(9) Where any bank are the registrar coupons shall be payable at the chief establishment of the bank at the expiration of three clear days from the day of presentation and at any branch establishment of the bank situate more than ten miles from the chief establishment at the expiration of five clear days from the day of presentation.

A.D. 1889.

(10) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(11) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(12) All coupons issued under this Act in respect of any Corporation stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(13) Corporation stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable in books or by deed.

General.

Nature of
Corporation
stock—
Notice of
trusts.

167.—(1) Corporation stock is personal property.

(2) Corporation stock is not liable to foreign attachment by the custom of London or otherwise.

(3) No notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certificate to bearer or coupon shall be entered in the Corporation stock register or in any other book kept by the Corporation or the registrar or be receivable by the Corporation or the registrar or affect the Corporation through the registrar or otherwise.

Receiver.

168.—(1) If at any time the Corporation for two months after demand in writing fail to pay any dividend due on any Corporation stock the person entitled thereto may apply to Her Majesty's High Court of Justice for a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and

such other powers and such duties as the Court thinks fit and shall apply all money so collected after payment of expenses and costs as the Court directs for purposes of this part of this Act. A.D. 1889.

(3) The Court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

169.—(1) Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in Corporation Stock (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid. Holding of
Corporation
Stock by
trustees.

(2) Provided that where two or more persons are or may under the instrument creating the trust become successively interested in trust money no investment thereof shall be made in Corporation Stock at a price exceeding the redemption value of the stock.

(3) Any trustee or other person lawfully holding any annuity issued by the Corporation under the Cheltenham Corporation Water Act 1878 may invest in Corporation Stock all or any moneys received by him in consideration of the purchase or redemption by the Corporation of his annuity.

170. A person taking or holding Corporation Stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Corporation or otherwise in accordance with this part of this Act or whether or not the council or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the council were legal or regular or to see to the application of any money raised by Corporation Stock or be answerable for any loss or misapplication thereof. Protection of
holders of
Corporation
Stock.

171.—(1) Once in every year at a time appointed by the Local Government Board the Corporation shall send to that Board an abstract of the accounts of the Corporation relating to Corporation Stock and the loans fund in a form prescribed by that Board and verified by a statutory declaration of the borough accountant if required by that Board. Annual
return to
Local
Government
Board.

(2) In case of wilful default therein by the Corporation the Corporation shall on each occasion be liable to a fine not exceeding two hundred pounds and in case of wilful default therein by the

A.D. 1889. — borough accountant the borough accountant shall on each occasion be liable to a fine not exceeding twenty pounds and every fine under this section shall be recoverable summarily on the prosecution of the Local Government Board and not otherwise.

(3) If by any such abstract or otherwise it appears to that Board that the Corporation have failed to comply with any requisition of this part of this Act in relation to any payment application or investment or otherwise in relation to Corporation Stock or the loans fund that Board may notwithstanding any proceeding for the recovery of any fine or any other proceeding taken by that Board by order require the Corporation to make good the default within a time therein limited.

Unclaimed
dividends.

172.—(1) If at any time any dividend on any Corporation Stock is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2) Where any dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3) At the end of every successive period of five years from the day when the first dividend becomes payable on Corporation Stock first issued after the passing of this Act the Corporation shall publish an advertisement in a newspaper circulating in the borough stating what (if any) dividends on Corporation Stock other than those falling due at the then last half-yearly or other day of payment are then unclaimed and the names and addresses appearing in the Corporation Stock register of the holders of the stock on which the dividends are unclaimed.

(4) At the end of every successive period of ten years from the day when the first dividend becomes payable on Corporation Stock first issued after the passing of this Act the Corporation unless it has been otherwise agreed between them and the registrar may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Corporation shall pay the same into the loans fund and may deal therewith as they are by this part of this Act empowered to deal with money paid into the loans fund as interest on cash balances received by them without prejudice nevertheless to the rights of any person to those dividends.

173. Nothing in this part of this Act shall affect any power of the Corporation to raise otherwise than by Corporation Stock any money which they do not think fit to raise by Corporation Stock but whenever from time to time after the date of the first issue of Corporation Stock the Corporation raise money otherwise than by Corporation Stock they shall cause to be given to each lender of money so raised notice in writing signed by the town clerk or other authorised officer of the Corporation of the equality of charge which Corporation Stock has by virtue of this part of this Act.

A.D. 1889.
Saving for
power to
borrow
otherwise.

174. Notwithstanding anything in this part of this Act the council may revoke at any time in whole or in part any resolution for creation of Corporation Stock theretofore passed by the council if and as far as the same has not been acted on by the issue of stock thereunder.

Saving for
power of
revocation.

175. Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Corporation from any obligation imposed on them in relation to any statutory borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for
other obliga-
tions.

176.—(1) Nothing in this part of this Act shall affect any power or duty of the Corporation to sell lease or otherwise dispose of any land or property of the Corporation or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of Corporation Stock or affect any claim of any person under such first-mentioned charge.

Saving for
power to sell
lands &c.

(2) That land or property shall in the hands of the purchaser or other person taking the same under the sale lease or other disposition be by virtue of this Act absolutely freed from the charge of Corporation Stock and he shall not be concerned to see to the application of that purchase money or other money or be answerable for any loss or misapplication thereof.

177. Nothing in or done under this part of this Act shall affect any security or charge created or granted or payable by the Corporation before the date of the first issue of any Corporation Stock and the Corporation shall whenever required by the holder of any security or charge aforesaid apply all such moneys do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied done exercised collected made and levied for his benefit and security if this part of this Act had not been passed.

Saving for
existing
securities.

A.D. 1889.
Forgery.

178.—(1) Corporation Stock shall be deemed capital stock of a body corporate within the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty (chapter ninety-eight) “to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery.”

(2) A Corporation Stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

Orders of
Local
Government
Board.

179. Any order of the Local Government Board under this part of this Act may contain such directions as the Board think necessary or proper for giving effect thereto and shall be enforceable by writ of mandamus to be obtained by the Board out of Her Majesty’s High Court of Justice and may be from time to time cancelled or varied by the Board as the circumstances of the case may require but the Board shall not make any such order without first hearing the Corporation if desirous of being heard which hearing may be in the form of a public inquiry with or without a published report or in such other form as the Board having regard to the circumstances think just and expedient and sections 294 and 296 of the Public Health Act 1875 shall apply to hearings inquiries and other proceedings to which this section relates.

Regulations
by bank.

180. Where any bank are the registrar they may with the sanction of the Corporation from time to time issue any forms that may be required for carrying into effect the provisions of this part of this Act and may also from time to time make any regulations that are not inconsistent with this part of this Act relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed :

- (A) The period for which coupons are to be given;
- (B) The mode in which the bank are to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer;
- (C) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer;
- (D) With respect to anything necessary for carrying into effect the provisions of this part of this Act which relate to or affect the bank.

181. The forms given in the Third Schedule to this Act may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes. A.D. 1889.
Forms.

182.—(1) Fees not exceeding those specified in the Third Schedule to this Act may be taken by or on behalf of the Corporation in the cases therein mentioned. Fees.

(2) The proceeds of fees shall be paid by the Corporation into the loans fund and shall be applied in reduction of contributions out of the Corporation revenues payable into the loans fund in respect of dividends on such portions of Corporation Stock as the Corporation having regard to the cases in which the fees are paid determine.

183.—(1) The expenses incurred by the Corporation in or about the creation and issue of any portion of Corporation Stock including any sum paid by them for composition for stamp duty thereon and any other expenses being in their judgment properly chargeable to capital shall be deemed money raisable under the statutory borrowing power in exercise whereof that portion of stock is issued. Expenses.

(2) Expenses of bookkeeping and management and other current expenses from time to time incurred by the Corporation in the execution of this part of this Act shall be defrayed as the ordinary expenses of the Corporation as a municipal body or as a sanitary authority are or may be defrayed.

PART XVI.—MISCELLANEOUS.

184. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation in writing under the hand of the town clerk and such consent may contain such terms and conditions as the Corporation think fit. Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds. Restriction
on advertis-
ing vehicles
&c.

185. During the execution by the Corporation of any paving, sewerage or other works in any street the Corporation may order the materials necessary for such purposes to be placed in that or any adjoining street according to their discretion and may also Power to
deposit mate-
rials in streets
during execu-
tion of works.

A.D. 1889. stop the way through that or any adjacent street other than the approach to any railway station so long as they judge necessary.

Penalty on non-compliance with order under section 70 of Public Health Act 1875.

186. Any person on whom an order is made under section 70 of the Public Health Act 1875 who fails to comply with such order shall (without prejudice to any right of the Corporation to pursue any other remedy which they would be entitled to pursue if this Act had not been passed) be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

Power to close baths for swimming matches.

187. The Corporation may from time to time on giving notice by advertisement in a local newspaper circulating within the borough or by placards close any swimming-bath belonging to them for ordinary use for such days not exceeding fifteen days altogether in the months from April to October (both inclusive) in any year as they think fit and may appropriate such bath for swimming-matches or water-feats and may take money or authorise the taking of money for entrance to the baths on those occasions or the Corporation may let the bath on those occasions on such terms and conditions as they may think proper and the profits if any arising therefrom may be applied to any purposes to which other revenue arising under the Baths and Washhouses Acts is applicable Notwithstanding anything in section 5 of the Baths and Washhouses Act 1878 it shall be lawful to use any such bath when closed for popular or other concerts.

Extension of ss. 116 to 119 inclusive of Public Health Act.

188. The provisions contained in sections 116 to 119 (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough.

Application of certain provisions of Towns Improvement Clauses Act.

189. For the purpose of the application within the borough of those provisions of the Towns Improvement Clauses Act 1847 which are incorporated with the Public Health Act 1875 by section 160 of that Act the date of the passing of the Special Act shall be deemed to be the date of the passing of the Act of 1852 (that is to say) The twenty-eighth day of May one thousand eight hundred and fifty-two.

As to consent of Corporation.

190. Where 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 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.

191. Every undertaking or agreement in writing given by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding on the owner of the property for the time being and on his successors in title and on the Corporation and may be enforced by either party by penalty in any court of summary jurisdiction such penalty not exceeding forty shillings for each breach of such undertaking or agreement and a daily penalty of ten shillings and any such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement.

A.D. 1889.

Under-
takings &c.
to bind
owners and
successive
owners.

192.—(1) Any instrument (including a notice order resolution requisition declaration consent approval disapproval demand or other document) made given delivered or served by the Corporation under this or any other Act or any bye-law may be either in print or in writing (including any mechanical means of reproduction) or partly in print and partly in writing (including any mechanical means of reproduction) and shall be sufficiently authenticated by the name of the town clerk treasurer surveyor or other proper officer (according to the subject of the particular instrument) being affixed thereto in print or writing on behalf of the Corporation.

Form and
service of
notices by
Corporation.

(2) Where any such instrument is required to be given to or served on the owner or occupier of any premises it shall be sufficient to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any adjoining or neighbouring premises collectively and when so addressed may be served on more owners or occupiers than one so that separate copies be served on the respective owners and occupiers of the premises concerned.

(3) Any such instrument may be served on any such owner occupier or other person either personally or on his known agent by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or in case of an occupier to any inmate of the premises in respect of which it is given or served or if the premises are unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof on some conspicuous part of such premises Provided that where any such

A.D. 1889. instrument is required to be served on any railway company incorporated by Act of Parliament such instrument shall be served at the office of the secretary of such company or forwarded to him by post in a letter addressed to the head office of the said company.

(4) Service by letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the letter was properly addressed and put into the post.

Expenses
of Local
Government
Board.

193. The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this Act 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.

Expenses of
execution of
Act.

194. All expenses of the execution by the Corporation of this Act which are not expressly provided for shall be defrayed by the Corporation out of the borough rate or general district rate as having regard to the objects of the expenditure they may deem proper.

Prosecution
and recovery
of offences
and penalties.

195. All offences penalties forfeitures costs and expenses by the Act of 1852 or this Act or any Act incorporated herewith or any bye-law thereunder authorised or directed to be prosecuted or recovered summarily or in a summary way or before any justices or justice or the prosecution or recovery of which is not otherwise expressly provided for may be prosecuted and recovered before a court of summary jurisdiction and all penalties recovered summarily within the borough under this Act or any Act incorporated herewith or any bye-law thereunder (except from the Corporation) shall be paid to the Corporation and carried to the borough fund or to the district fund as the Corporation from time to time determine.

Appeal to
quarter ses-
sions.

196. Any person deeming himself aggrieved by any order determination or requirement or the withholding of any consent license or approval of or by the Corporation or of or by any officer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act or any bye-law thereunder may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Compensa-
tion how to
be deter-
mined.

197. When any compensation damages expenses costs or charges is or are directed to be paid under this Act and the method

[52 & 53 VICT.] *Cheltenham Improvement* [Ch. clxxxiv.]
Act, 1889.

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. 1889.

198. Any information summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several sums. Several sums in one summons.

199. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any order license or act of Her Majesty's Privy Council or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or the Local Government Board or exempt the dairies milk stores or milk shops or slaughter-houses or knackers' yards to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament. Saving for Acts relating to dairies animals &c.

200. All powers given by this Act shall unless otherwise expressly stated be deemed to be in addition to and not in derogation of any other powers conferred upon the Corporation by Act of Parliament charter law or custom and such other powers may be exercised in the same manner as if this Act had not passed and nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not passed Provided that no person should be adjudged to pay more than one penalty (other than a penalty for a continuing offence) for the same offence. Powers of Act to be cumulative.

201. The following sections and schedules of the Cheltenham Improvement Act 1852 are hereby repealed (that is to say) Sections 6 to 25 (both included) 26 from beginning of section to and inclusive of the word "and" where it first occurs 27 to 33 (both included) 41 to 43 (both included) 52 53 54 56 57 59 60 62 to 66 (both included) 68 to 72 (both included) in section 73 the words "as herein-after provided" 75 76 78 to 82 (both included) 95 96 110 to 132 (both included) and Schedules A B D and E : Repeal of part of Act of 1852.

But this repeal is without prejudice to anything done or suffered before the passing of this Act or to any proceeding or cause of proceeding pending or existing at the passing of this Act and any such proceeding or cause of proceeding may be continued or

A.D. 1889. — enforced and carried on and all rates and sums of money due or accruing due at the passing of this Act may be recovered as if this Act had not been passed and notwithstanding such repeal all books of the commissioners or of the Corporation under the said Act shall be received as evidence in like manner as they would have been receivable if this Act had not been passed.

Costs of Act.

202. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall be paid by the Corporation out of the funds and rates under the control of the Corporation or out of moneys borrowed on the security thereof under the powers of this Act and the Corporation are hereby empowered to borrow the necessary moneys for that purpose All moneys borrowed under the powers of this section shall be repaid by instalments or by a sinking fund in manner herein-before provided within ten years from the time or respective times of borrowing the same.

A.D. 1889.

THE SECOND SCHEDULE.

STATEMENT AS TO CORPORATION LOANS TO BE SUBJECT TO EQUATION.

Acts under which Loans authorised.	Date of Loan.	Purposes of Loan.	Terms of Repayment.	Mode of Repayment.	Amount of Loan.	Raised.	Amount Outstanding.	Amount to Credit of Sinking Fund.
PART I.								
Cheltenham Corporation Water Acts.	Oct. 30, 1878	Purchase of waterworks	95 years	Sinking fund	£ 90,000 0 0	£ 89,650 6 2	£ 89,650 6 2	£ 1,772 8 2
Ditto	Oct. 30, 1878	4.825l. 18s. 1d. (annuities capitalised).	90 years	Ditto	120,647 12 1	120,647 12 1	120,647 12 1	2,376 0 11
Ditto	Sept. 25, 1883	Extension of works and payment off of the late company's mortgages 22,770l. 16s. 8d.	Ditto	Ditto	77,000 0 0	66,000 0 0	63,000 0 0	701 9 2
Ditto	July 5, 1886	Extension of works	Ditto	Ditto	30,000 0 0	9,541 13 4	18,400 0 0	102 6 3
PART II.								
Public Health Acts	June 24, 1879	Street improvements	50 years	Sinking fund	14,620 0 0	14,620 0 0	14,620 0 0	1,176 19 4
Ditto	June 7, 1880	Ditto	Ditto	Ditto	8,000 0 0	8,000 0 0	8,000 0 0	562 4 8
Ditto	April 4, 1881	Ditto	Ditto	Ditto	6,500 0 0	6,500 0 0	6,500 0 0	293 11 1
Ditto	Feb. 24, 1882	Ditto	20 years	Ditto	1,000 0 0	1,000 0 0	1,000 0 0	272 9 10
Ditto	March 5, 1883	Ditto	50 years	Ditto	10,000 0 0	10,000 0 0	10,000 0 0	495 1 9
Ditto	Dec. 8, 1885	Ditto	Ditto	Ditto	1,463 0 0	1,463 0 0	1,463 0 0	34 13 9
Ditto	Jan. 26, 1886	Ditto	20 years	Ditto	1,247 0 0	1,247 0 0	1,247 0 0	136 19 3
Ditto	Oct. 4, 1887	Extension of bridge	30 years	Ditto	290 0 0	290 0 0	290 0 0	5 12 4
Ditto	July 19, 1883	Purchase of land for sewage disposal.	50 years	Ditto	1,750 0 0	1,750 0 0	1,750 0 0	204 10 8
Ditto	July 19, 1883	Works of sewage disposal	30 years	Ditto	1,250 0 0	1,250 0 0	1,250 0 0	19 14 3
Ditto	Nov. 10, 1886	Mortuary	Ditto	Ditto	500 0 0	500 0 0	500 0 0	

THE THIRD SCHEDULE.

A.D. 1889.

FORMS.

(A.)

RESOLUTIONS ON CREATION OF CHELTENHAM CORPORATION STOCK.

Redeemable 19 .

Borough of Cheltenham.

[29th September 18].

At a meeting of the council of the borough of Cheltenham holden on [Wednesday the 29th day of September 18] at [eleven o'clock in the forenoon] in the [Council Chamber within the] Town Hall [as a special council].

Present :

[A.B.] Mayor and a full council.

Resolved first--

That under the authority and subject to the provisions of the Cheltenham Improvement Act 1889 the Corporation acting by the council do hereby in exercise of their several statutory powers create stock to be called Cheltenham Corporation Redeemable Stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding [] pounds [£]:—

A. For raising the following sums (amounting in the aggregate to the sum of [] pounds which has not been raised) (that is to say):—

- (1) The sum of [] pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [] Acts for the purchase-money for [] and the cost of reconstruction of portions thereof :
- (2) The sum of [] pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [] Acts for the cost of construction of [] :
- (3) The sum of [] pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [] Acts for the construction of [waterworks] :
- (4) The sum of [] pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [] Acts for the purposes of [sewering and paving within the Borough].

A.D. 1889.

B. For raising instead of reborrowing the sum of _____ pounds required by the Corporation for the purpose of paying off when due sums amounting to _____ pounds which will fall due before the [1st January 18] being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to reborrow.

C. For raising the sum of _____ pounds for repaying the amount temporarily borrowed by the Corporation from [the _____ Bank] in order to enable the Corporation to meet sums which amount to _____ pounds being a portion of their debt secured on outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to reborrow.

D. For raising the sum of _____ pounds for paying off or redeeming statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):—

E. For the purpose of issuing stock in substitution for statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):—

Resolved Secondly—

That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner hereinafter specified (that is to say):—

A. The minimum price of issue to be [£] per cent. the first dividend to be payable on the [1st January 18].

B. Tenders for stock to be made to the _____ Bank. A deposit of five per cent. on the amount of stock tendered for to be paid at [the _____ Bank] at the time of the delivery of the tender.

C. The dates for the further payments on account of the said tenders when accepted to be as follows:—On [Wednesday, the 20th day of October, 18], so much of the amount tendered and accepted as when added to the deposit will leave £75 (sterling) to be paid for each £100 of stock. On Friday, the 26th day of November, 18 , 25 per cent. On Tuesday, the 11th day of January, 18 , 25 per cent. On Tuesday, the 1st day of March, 18 , 25 per cent.] In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture.

- D. Dividends at £ per cent. per annum payable [quarterly].
- E. Dividends on the total amount of stock (calculated from the 1st of October 18), to be payable on the 1st January, 18 .
- F. Scrip certificates to bearer with coupons attached for the dividends payable 1st January, 18 , and 1st April, 18 , to be issued in exchange for the provisional receipts.
- G. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution.
- H. Stock to be issued in sums of not less than £10.
- J. Stock to be transferable in books and not by deed.

Resolved Thirdly—

That such stock shall be redeemable as follows: [State terms].

Resolved Fourthly—

That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Customs and Inland Revenue Act 1887 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B.)

STOCK RECEIPT.

CHELTENHAM CORPORATION STOCK (£ PER CENT.)
REDEEMABLE 19 .

<p><i>Transfer days:</i></p> <p>Monday,</p> <p>Tuesday,</p> <p>Wednesday,</p> <p>Thursday,</p> <p>Friday.</p> <p><i>Holidays excepted.</i></p>	<p>RECEIVED this day of 18</p> <p>of</p> <p>herein-after called the said trans- feree</p> <p>the sum of</p> <p>being the consideration for</p> <p>interest or share in the CHELTEN- HAM CORPORATION STOCK (£ per cent.), transferable at the Bank, and all my property and interest in, and right to, the same, and the dividends thereon, by this day transferred unto the said transferee</p> <p>Witness hand</p> <p>Witness</p>	<p>The proprietors to protect themselves from FRAUD are re- commended to ACCEPT, by themselves or their attorneys, all TRANS- FERS made to them.</p> <p>£ s. d.</p>
--	---	---

A.D. 1889.

[Indorsement.]

NOTICE TO HOLDERS OF CHELTENHAM CORPORATION STOCK
(£ PER CENT.).

Payment of Dividends.

Dividends are due on [*the 1st January, 1st April, 1st July, and 1st October,*] unless the [1st] of either of these months falls on a Sunday, in which case the dividends will be payable on the following day.

Dividends will be paid in one of the following modes:—

I. To the stockholders personally, or to their attorneys, at the Bank.

N.B.—Stockholders may arrange for the receipt of their dividends, free of charge, at any of the *country* branches, on application to the agent.

II. By transmission of dividend warrants by post, at the risk of the stockholder, under the following regulations:—

1. Any stockholder residing within the United Kingdom, or in the Channel Islands, or the Isle of Man, who desires to have his dividend warrant sent to his address by post, must fill up a form of application to be obtained at the bank or at any of its branches.
2. In the case of joint accounts, the application must be signed by all the members of the account, directing the warrant to be sent to one of them at a given address.
3. Post dividend warrants will be crossed & Co. and will only be payable through a banker. They will be drawn to the order of the stockholder, and must be indorsed.

Stockholders whose warrants are sent by post should give notice to the Bank if they are *not* received on the day on which they ought to be delivered; but need not acknowledge those that arrive in due course.

Stock Certificates to Bearer.

Stock certificates to bearer, of the denominations of [£10 or any multiple of £10] with coupons for the quarterly dividends attached, may be obtained in exchange for inscribed stock, except in the case of stock held upon any trust.

(C.)

CHELTENHAM CORPORATION STOCK (CERTIFICATE (£ PER CENT.)
REDEEMABLE 19 .

BOROUGH OF CHELTENHAM.

Number

This is to certify that A.B. of _____ is the proprietor of _____ pounds of Cheltenham Corporation Stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the mayor aldermen and burgesses of the borough of Cheltenham this _____ day of _____ 18 .

[52 & 53 VICT.] *Cheltenham Improvement* [Ch. clxxxiv.]
Act, 1889.

If *clerks or servants* are witnesses they must give the names and addresses of their employers. A.D. 1889.

When a witness is a *female* she must state whether she is a *spinster wife* or *widow* and if a *wife* she must give her husband's name address and quality profession or occupation.

A *wife* is not a *valid witness* to the execution of this letter of attorney when her husband's name appears in the letter as attorney or transferee.

If any *alteration interlineation or erasure* be made in this letter of attorney it must be particularly stated in the attestation subscribed to by the witnesses that such alteration interlineation or erasure was made previously to the execution of the letter.

I demand to act by this letter of attorney, this _____ day of _____
 Witness _____

(G.)

DEED OF TRANSFER.

BOROUGH OF CHELTENHAM.

I A.B. of _____ in consideration of the sum of _____ pounds paid to me by C.D. of _____ (herein-after called the said transferee) do hereby transfer to the said transferee the sum of _____ pounds Cheltenham Corporation Redeemable Stock standing [or part of the stock standing] in my name in the books of the mayor aldermen and burgesses of the borough of Cheltenham to hold unto the said transferee his executors administrators and assigns [or successors and assigns] subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the _____ day of _____ 18 .

(H.)

DIVIDEND WARRANT.

CHELTENHAM CORPORATION STOCK (£ . per Cent.)
 Redeemable 19 .

To the CASHIERS of the _____ BANK.

Pay to Bearer the sum of _____

for one quarter of a year's dividend on the sum of
 £ _____ CHELTENHAM CORPORATION
 STOCK (£ _____ per cent.) due
 18 . Less property tax at _____ d.
 per £ _____

--	--	--	--	--	--

A.D. 1889. I do hereby acknowledge to have received of the BANK the
 above-mentioned sum in full payment for one quarter of a year's dividend, due
 as abovesaid.

Witness my hand this _____, 18 .

Witness,

(1.)

DIVIDEND WARRANT BY POST.

(1.)

CHELTHENHAM CORPORATION STOCK (£ _____ per Cent.)
 Redeemable 19 .

REQUEST FOR TRANSMISSION OF DIVIDEND WARRANTS BY POST.

To the _____ BANK.

Amount. A sum of £ _____ CHELTHENHAM CORPORATION STOCK (£ _____ per
 "my" or "our." Cent.) is now standing in _____ name as follows:—

Names, ad-
 dresses, and
 descriptions as
 recorded in the
 bank books.

"I" or "we." as the person entitled to the dividends upon the above-mentioned amount of
 Stock hereby authorize the registrar of Cheltenham Corporation
 "myself" or Stock in the name of _____ to draw upon
 "our nominee." the _____ Bank for the amount of the quarterly
 dividends due and to become due on the said amount of Stock or on the
 "my" or "our." amount for the time being standing in _____ name :
 "I" or "we." And _____ hereby request the said registrar to send through the
 "my" or "our." post at _____ risk, and until further notice, the warrants so drawn to—

If the account
 is a sole one,
 insert here the
 name and ad-
 dress of the
 stockholder :
 If the account
 is a joint one,
 insert here the
 name and ad-
 dress of one
 of the stock-
 holders as
nominee.

Name _____
 Present address _____

SIGN HERE.

 In the case of joint
 stockholders, or of
 co-executors all
 must sign.

Date _____ 18 .

[52 & 53 VICT.] *Cheltenham Improvement* [Ch. clxxxiv.]
Act, 1889.

[On second half-sheet of same Form.]

A.D. 1889.

This half-sheet is to be retained by the stockholder. Reference to it will often save unnecessary correspondence.

NOTICE TO HOLDERS OF CHELTENHAM CORPORATION STOCK
(£ per Cent.)

Transmission of Dividend Warrants by Post.

Dividends upon the above-named stock may be transmitted through the post to the stockholder in sole accounts and to any one of the stockholders in joint accounts at their risk upon a form of request being duly filled up and forwarded to the registrar of Cheltenham Corporation Stock. (Forms are obtainable at the Bank, and at any of its branches.)

N.B.—This arrangement does not apply to stockholders whose addresses are beyond the United Kingdom the Channel Islands and the Isle of Man.

Persons receiving dividends under letter of attorney cannot have the warrants for such dividends sent to them by post.

A separate form must be used for each separate holding of stock.

When forwarding a form of request care should be taken to state the number of overdue dividends if any.

Dividends are payable on *1st January 1st April 1st July* and *1st October*.

When the [1st] happens on a Sunday the dividends are not payable until the [2nd].

Forms of request may be delivered at the [Bank] at any date either by hand or through the post but when received between the day on which the balance for a dividend is struck and the day on which the dividend is payable the warrants for such *next* dividend will be forwarded as soon as possible but the Bank will not guarantee their being posted on the day before the dividend is payable.

For the dividend payable [1st January] the balance is struck on or about the [1st December].

For the dividend payable [1st April] the balance is struck on or about the [1st March].

For the dividend payable [1st July] the balance is struck on or about the [1st June].

For the dividend payable [1st October] the balance is struck on or about the [1st September].

Warrants for overdue dividends will be forwarded as promptly as possible but not necessarily by return of post.

Any change of address of the stockholder in sole accounts or of the nominee in joint accounts should be notified at once to the said registrar. When any such notification reaches the [Bank] less than a fortnight before the next dividend is due there may be a delay of a few days in the delivery of the warrant for such next dividend.

In the absence of any notification to the contrary it will be taken for granted that dividend warrants have duly reached their destinations. When they are not received on the correct day notice should be given to the said registrar without delay.

As postal dividend warrants are made payable to order they must be endorsed they are crossed in blank, and consequently are only payable on presentation

[Ch. clxxxiv.] *Cheltenham Improvement* [52 & 53 VICT.]
Act, 1889.

A.D. 1889. by a banker. (The [bank] will not undertake to cross postal dividend warrants with the names of particular bankers.)

Instructions to transmit warrants by post remain in force although the stock may have been added to or a part sold.

Stockholders selling stock by attorney if they wish to continue to receive their dividends through the post should instruct their bankers or brokers to obtain letters of attorney *for sale only*.

All communications with reference to postal dividend warrants should be addressed to the registrar of Cheltenham Corporation Stock at
 , and the postage should be prepaid.

(2.)

POST DIVIDEND WARRANT.

CHELTEHAM CORPORATION STOCK (£ PER CENT.)
 Redeemable 19 .

To the BANK.

Pay to me or my order on demand the sum of
 being one quarter of a year's dividend at
 £ per cent. per annum, due on the 1st
 day of 18 , on the sum of
 £ { Cheltenham Corporation
 Stock
 (£ per Cent.) }
 Less property-tax at per £

--	--	--	--	--

Accepted for the
Per pro

[,]

Cashier.

Bank

The person to whom this warrant is payable must sign his or her name on the back of it.

(K.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

CHELTEHAM CORPORATION STOCK (£ PER CENT.) CERTIFICATE
 TO BEARER.

Redeemable 19 .

£50

A00000

This is to certify that the bearer of this certificate is entitled to FIFTY POUNDS Cheltenham Corporation Stock with dividend thereon at the rate

A.D. 1889.

FEES.

	£	s.	d.
On original issue of stock receipt or stock certificate	-	-	0 2 6
On any new stock certificate	-	-	0 2 6
On transfer including certificate	-	-	0 5 0
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein	-	-	0 0 6
On re-entry in Corporation stock register of stock specified in stock certificate to bearer	-	-	0 5 0

 Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

 And to be purchased, either directly or through any Bookseller, from
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
 ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
 HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.