

**CHAPTER cxxxix.**

An Act to make further and better provision with regard A.D. 1909.
to the tramway gas and electricity undertakings of
the corporation of Heywood and the improvement
health and local government of the borough and
for other purposes. [16th August 1909.]

WHEREAS the borough of Heywood in the county palatine
of Lancaster is a municipal borough under the management
and control of the mayor aldermen and burgesses of the borough
(in this Act called "the Corporation") who were incorporated by
Royal Charter in the year 1881 :

And whereas it is expedient that the number of the council
should be increased and that the wards of the borough should
be altered as in this Act provided :

And whereas the Corporation were empowered by the Hey-
wood Corporation Tramways Order 1902 to construct and have
since constructed certain tramways from the boundary of the
adjoining borough of Bury through the borough of Heywood to
the boundary of the adjoining borough of Rochdale and from
the market place in the borough of Heywood to a point at the
intersection of Manchester Road with Magdala Street in the said
last-mentioned borough :

And whereas the portion of the tramways from the boundary
of the borough of Bury to the market place in Heywood and
from thence to the railway station are being worked by the
mayor aldermen and burgesses of the borough of Bury (in this
Act referred to as "the Bury Corporation") in conjunction with
the tramways of the Bury Corporation and under the terms of
an agreement entered into between the Heywood Corporation and

A.D. 1909. the Bury Corporation dated the thirteenth November one thousand nine hundred and five :

And whereas it was by that agreement provided that it should be in force for a period of three years which period expired on the fourth December one thousand nine hundred and eight but provision is contained in that agreement that it shall continue in force until either of the aforesaid corporations gives six months' notice to the other corporation to terminate it :

And whereas the portion of the tramways from the boundary of the borough of Rochdale to the market place in Heywood is being worked by the mayor aldermen and burgesses of the borough of Rochdale (in this Act referred to as "the Rochdale Corporation") in conjunction with the tramways of the Rochdale Corporation and under the terms of an agreement entered into between the Heywood Corporation and the Rochdale Corporation dated the twenty-third December one thousand nine hundred and five :

And whereas by that agreement it was provided that it should be in force for a period of two years which period expired on the eleventh January one thousand nine hundred and eight but provision is contained in that agreement that it shall continue in force until either of the last aforesaid corporations gives six months' notice to the other corporation to terminate it :

And whereas during the progress through Parliament of the Bill for this Act the scheduled tramway agreement was made and it is expedient that the agreement hereinbefore referred to should be determined and the scheduled tramway agreement should be confirmed :

And whereas it would be to the public convenience that there should be mutual facilities for traffic over the tramways of the Corporation and the Bury and Rochdale Corporations respectively :

And whereas it is expedient that further powers should be conferred upon the Corporation with reference to their tramway undertaking :

And whereas it is expedient that the Corporation should be empowered to provide and run motor omnibuses in manner in this Act provided :

And whereas the Corporation are the owners of the gas undertaking by which the borough is supplied with gas and it is

expedient that further powers should be conferred upon the Corporation with reference to their gas undertaking including the borrowing of further moneys for the extension of the works and mains and other purposes : A.D. 1909.

And whereas the consideration paid by the predecessors of the Corporation for the acquisition of their gas undertaking consisted of perpetual annuities and it is expedient that such perpetual annuities should be made redeemable at the end of a period of years :

And whereas notice of the provisions of the Bill for this Act relating thereto was duly given to each holder of such annuities :

And whereas by the Heywood Electric Supply Order 1899 the Corporation were empowered to generate and supply and are now supplying electrical energy within the borough for all public and private purposes and it is desirable that further powers should be conferred upon the Corporation in reference to their electric lighting undertaking :

And whereas by the Salford Hundred Court of Record Act 1868 the then existing court of record for the hundred of Salford in the county of Lancaster and the court of record for the trial of civil actions within the city of Manchester were amalgamated by the name of the court of record for the hundred of Salford in the county of Lancaster (in this Act referred to as "the Salford hundred court") and by that Act the borough was among the places included within the jurisdiction of the said court :

And whereas it is desirable that the borough and the inhabitants thereof should be exempt from the jurisdiction of the said court :

And whereas it is expedient that the agreement between the Corporation and the Middleton Corporation as set forth in the Second Schedule to this Act should be confirmed :

And whereas it is expedient that further and better provision should be made with reference to the erection of new buildings the construction of streets the prevention of infectious disease and other sanitary matters and generally for the improvement health and local government of the borough :

And whereas it is expedient that the other provisions in this Act contained should be passed into law :

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And whereas the following Acts have been adopted by the Corporation and are in force within the borough (that is to say) :—

The Public Libraries Act 1892 ;

The Baths and Wash-houses Acts 1846 to 1899 ;

The Public Health Acts Amendment Act 1890—Part III. :

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

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows :—

For and in connection with the gas undertaking	£10,000
For and in relation to the provision of motor omnibuses	£2,000

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

And whereas an absolute majority of the whole number of the Corporation at a meeting held on the tenth day of December one thousand nine hundred and eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Heywood News* a local newspaper circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act :

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Corporation at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand nine hundred and nine being not less than fourteen days after the deposit of the Bill in Parliament :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):— A.D. 1909.

PART I.

PRELIMINARY.

1. This Act may be cited as the Heywood Corporation Act 1909. Short title.

2. The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except section 127 of the Lands Clauses Consolidation Act 1845) and sections 3 and 19 and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act. Incorporation of Acts.

3. In this Act the following words and expressions have the meanings hereby assigned unless the subject or context otherwise requires:— Interpretation.

“The borough” means the borough of Heywood;

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

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

“The borough fund” and “borough rate” mean the borough fund and borough rate of the borough;

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

“The town clerk” “the surveyor” “the medical officer” “the inspector of nuisances” mean respectively the town clerk the surveyor the medical officer of health and the inspector of nuisances appointed by the council in pursuance of any public Act and “medical officer” includes any deputy medical officer of health duly appointed;

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

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

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- “The Middleton Corporation” means the mayor aldermen and burgesses of the borough of Middleton;
- “The Electric Lighting Order” means the Heywood Electric Supply Order 1899 confirmed by the Electric Lighting Orders Confirmation (No. 12) Act 1899;
- “The Tramways Order 1902” means the Heywood Corporation Tramways Order 1902 confirmed by the Tramways Orders Confirmation (No. 2) Act 1902;
- “The Act of 1867” means the Heywood Improvement Act 1867 “the Act of 1883” means the Heywood Corporation Act 1883” and “the Act of 1889” means the Heywood Corporation Act 1889;
- “The scheduled tramway agreement” means the agreement dated the twelfth day of July nineteen hundred and nine and made between the Corporation of the first part the Bury Corporation of the second part and the Rochdale Corporation of the third part as set forth in the First Schedule to this Act;
- “The tramways” has the same meaning as is given to it in the Tramways Order 1902;
- “The tramway undertaking” means the tramway undertaking of the Corporation for the time being authorised;
- “Tramway revenue” means all revenue of the tramway undertaking and whether by way of rent or otherwise;
- “Mechanical power” includes steam electrical and every other motive power not being animal power;
- “Engine” includes motor;
- “Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the borough;
- “Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy;
- “Dairy” means and includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale;
- “Recreation ground” includes public parks walks and pleasure grounds;
- “Daily penalty” means a penalty for every day on which any offence is continued after conviction;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include any securities of the Corporation or annuities rentcharges or securities transferable by delivery ;

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

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

Unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Public Health Acts have in this Act the same respective meanings.

4. The limits of this Act for all purposes except where otherwise expressly provided are the borough.

Limits of Act.

PART II.

INCREASE OF COUNCIL AND ALTERATION OF WARDS.

5. On and after the first day of November nineteen hundred and nine the borough shall have twenty-four councillors and eight aldermen.

Increase of councillors and aldermen.

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Division of
borough
into wards.

6.—(1) From and after the first day of November nineteen hundred and nine the division of the borough into wards as existing immediately prior thereto shall cease to exist and the borough shall be divided into eight wards to be termed respectively the North South East West Central Heap-Bridge Park and Hopwood Wards.

(2) Each of the said wards shall comprise the portion of the borough indicated by a separate colour and distinguished by the name of the ward on the plan (in this Act called "the ward plan") signed in triplicate by Charles Norris Nicholson Esq. the chairman of the Committee of the House of Commons to which the Bill for this Act was referred.

(3) Three councillors and one alderman shall be assigned to each of the said wards.

Deposit of
ward plan.

7. A copy of the ward plan shall within two weeks after the passing of this Act be deposited with the town clerk at his office and with the Board of Agriculture and Fisheries the Local Government Board the Registrar-General and the Commissioners of Inland Revenue.

Copies of
ward plan to
be evidence.

8. Copies of the ward plan deposited with the town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice and elsewhere as *primâ facie* evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to any rate leviable within the borough and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Appoint-
ment of
councillors.

9.—(1) Previous to the first day of November nineteen hundred and nine the council as then constituted shall by resolution assign the councillors of the borough remaining in office after that day to the several wards into which the borough is by this Act divided or to some of them and every councillor so assigned shall hold his office in the ward to which he shall be assigned for the same period as he would have held such office if the existing wards of the borough had remained unaltered. Provided that there shall not be assigned to any ward more than one councillor whose term of office expires on the first day of November nineteen hundred and ten nor more than one councillor whose term of office expires on the first day of November nineteen hundred and eleven. Provided also that as far as possible each

councillor shall be assigned to a ward contained wholly or partly within the area of such one of the existing wards as was represented by such councillor before such assignment. A.D. 1909.

(2) At the elections to be held in any ward on the first day of November nineteen hundred and nine so many councillors shall be elected as shall be necessary to complete the number of three for each ward and the mayor or such person as he shall appoint shall be the returning officer at the elections for the new wards.

(3) One-third of the whole number of the councillors so elected for or assigned to any ward in pursuance of this section shall go out of office on the first day of November nineteen hundred and ten and another third shall go out of office on the first day of November nineteen hundred and eleven and the remaining third shall go out of office on the first day of November nineteen hundred and twelve.

(4) The order of retirement among the councillors elected for any ward in pursuance of this section shall be as follows:—

(A) Where one councillor is elected he shall go out of office on the first day of November nineteen hundred and twelve:

(B) Where two councillors are elected the councillor elected by the larger number of votes shall go out of office on the first day of November nineteen hundred and twelve and the other councillor shall go out of office on the first day of November nineteen hundred and eleven or the first day of November nineteen hundred and ten as the case may require having regard to the time of retirement of the assigned councillor for such ward:

(C) Where three councillors are elected the councillor elected by the largest number of votes shall go out of office on the first day of November nineteen hundred and twelve and the councillor elected by the next largest number of votes shall go out of office on the first day of November nineteen hundred and eleven and the councillor elected by the smallest number of votes shall go out of office on the first day of November nineteen hundred and ten.

(5) If no poll shall be taken at the election of councillors for any ward on the first day of November nineteen hundred

A.D. 1909. and nine or if there shall be an equality of votes at any such election the council shall at their meeting held on the ninth day of November nineteen hundred and nine determine the order of retirement of the councillors affected and if any doubt arises as to which councillor or councillors should go out of office at the various dates the doubt shall be determined by the council.

Election of aldermen.

10. In regard to the election and rotation of aldermen the following provisions shall apply:—

- (1) On the ninth day of November nineteen hundred and nine the council shall elect two aldermen to hold office for one year and four years respectively:
- (2) On the ninth day of November nineteen hundred and ten being the next ordinary day for the election of aldermen the alderman so elected for one year together with the three aldermen who would in the ordinary course retire on that day shall go out of office and their places shall be filled by election:
- (3) On the ninth day of November nineteen hundred and thirteen being the next ordinary day for the election of aldermen the alderman so elected for four years together with the three aldermen who would in the ordinary course retire on that day shall go out of office and their places shall be filled by election.

Further provisions as to elections &c.

11. Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to elections and other matters incidental thereto or by the mayor aldermen or town clerk of the borough in relation to each of the eight wards before the first day of November nineteen hundred and nine may be done in like manner as if such wards were and had been wards of the borough existing at the time of the passing of this Act.

Ward rolls.

12. For the purposes of the ward rolls to be made after the passing of this Act under the Municipal Corporations Acts and in relation to the functions and office of the mayor town clerk and other officers under those Acts the borough shall be deemed to have been divided into eight wards Provided that no such ward roll so to be made as aforesaid shall be deemed to be invalid by reason of the same not having been made and published or of any notice or notices not having been given at the time

or times required prior to the passing of this Act if such roll or notice or notices be made given or published as soon after the passing of this Act as may be practicable. A.D. 1909.

13. Subject to the provisions of this Part of this Act all elections vacations of office and rotations shall be governed by the Municipal Corporations Acts. Application of Municipal Corporations Acts.

14. Notwithstanding anything contained in this Part of this Act the provisions of the Municipal Corporations Acts with reference to the division of the borough into wards and the alteration of wards shall be applicable to the borough and the wards thereof as altered by this Part of this Act. As to future alterations of wards.

PART III.

TRAMWAYS.

15. The scheduled tramway agreement as set forth in the First Schedule to this Act is hereby confirmed and made binding upon the parties thereto and the said parties are hereby empowered to carry the same into effect. Confirmation of agreement between Corporation and Bury and Rochdale Corporations.

16.—(1) The Corporation and their lessees shall be at liberty to make and maintain junctions between the tramways (including all electrical connections and apparatus) of the Corporation in Bury New Road being Tramway No. 1 by the Tramways Order 1902 authorised and the tramways (including all electrical connections and apparatus) of the Bury Corporation in Rochdale Road and to run over and use with their engines and carriages and with their officers and servants for the purpose of conveying passengers parcels and passengers' luggage and with the consent of the Corporation affected goods and minerals all or any of the following tramways of the Bury Corporation (including all sidings works and conveniences and electrical or other motive power connected therewith) (that is to say):—

The tramways from the boundary of the boroughs of Heywood and Bury in Rochdale Road passing along Heywood Street Spring Street Frederick Street and Market Street as far as the Market Place in the borough of Bury:

The tramways from the said boundary in Rochdale Road passing along Rochdale Road Clough Street Rock Street and Fleet Street as far as the said Market Place:

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The tramways from the said Market Place to the said boundary in Rochdale Road passing along Market Street Princess Street King Street and Rochdale Road.

(2) The Corporation and their lessees shall be at liberty to make and maintain junctions between the tramways (including all electrical connections and apparatus) of the Corporation in Rochdale Road East being Tramway No. 2 by the Tramways Order 1902 authorised and the tramways (including all electrical connections and apparatus) of the Rochdale Corporation in Bolton or Bury Road and to run over and use with their engines and carriages and with their officers and servants for the purpose of conveying passengers parcels and passengers' luggage and with the consent of the Corporation affected goods and minerals all or any of the following tramways of the Rochdale Corporation (including all sidings works and conveniences and electrical or other motive power connected therewith) (that is to say):—

The tramways from the boundary of the boroughs of Heywood and Rochdale in Bolton or Bury Road passing along Bolton or Bury Road Manchester Road and Drake Street as far as the Butts in the borough of Rochdale :

The tramways from the said boundary in Bolton or Bury Road passing along Bolton or Bury Road Manchester Road and the Esplanade as far as the Butts aforesaid.

(3) The Bury Corporation and their lessees shall be at liberty to make and maintain junctions between the tramways (including all electrical connections and apparatus) of the Bury Corporation in Rochdale Road and the tramways (including all electrical connections and apparatus) of the Corporation in Bury New Road being Tramway No. 1 by the Tramways Order 1902 authorised and to run over and use with their engines and carriages and with their officers and servants for the purpose of conveying passengers parcels and passengers' luggage and with the consent of the Corporation affected goods and minerals the following tramways of the Corporation (including all sidings works and conveniences and electrical or other motive power connected therewith) (that is to say):—

The tramways from the boundary of the boroughs of Heywood and Bury in Rochdale Road passing along Bury New Road Bury Street Market Street and Bridge Street as far as the Market Place in the borough of Heywood and

from the said Market Place to Church Street Manchester Street and Manchester Road to the junction with Magdala Street. A.D. 1909.

(4) The Rochdale Corporation and their lessees shall be at liberty to make and maintain junctions between the tramways (including all electrical connections and apparatus) of the Rochdale Corporation in Bolton or Bury Road and the tramways (including all electrical connections and apparatus) of the Corporation in Rochdale Road East being Tramway No. 2 by the Tramways Order 1902 authorised and to run over and use with their engines and carriages and with their officers and servants for the purpose of conveying passengers parcels and passengers' luggage and with the consent of the Corporation affected goods and minerals the following tramways of the Corporation (including all sidings works and conveniences and electrical or other motive power connected therewith) (that is to say):—

The tramways from the boundary of the boroughs of Heywood and Rochdale in Bolton or Bury Road passing along Rochdale Road East and York Street as far as the Market Place in the borough of Heywood.

(5) A corporation exercising running powers under this section (in this section referred to as "the operators") and a corporation owning the tramways over which such running powers are exercised (in this section referred to as "the owners") shall in respect to the working of the cars in the exercise of such powers conform to and observe all timetables of the owners and all byelaws and reasonable regulations for the time being in force on such tramways so far as the same are applicable:

Provided that all such timetables shall make provision on a reasonable basis for the requirements of the public in respect of through communication between the boroughs of Heywood Bury and Rochdale and in the event of any difference arising as to whether any such timetable does make such provision on a reasonable basis such difference shall be determined by arbitration.

(6) The services of cars run from time to time upon the tramways of the owners by the operators (in the exercise of the powers of this section) and by the owners respectively shall be such as make provision on a reasonable basis for the working of such tramways by the owners and for the accommodation of the tramway services of both the owners and the operators having

A.D. 1909. regard to the requirements of the public in respect of both through and local traffic and in the event of any difference arising as to whether any such service of cars does make such provision on a reasonable basis such difference shall be determined by arbitration.

(7) In respect of traffic carried by the operators on the tramways of the owners the operators shall unless otherwise agreed with the owners charge and account for and pay to the owners the sums which would be chargeable by the owners for the stages run over by the operators according to the fares and rates for the time being adopted and fixed by the owners in respect to traffic arising upon the tramways of the owners :

Provided always that where a sum is charged for a journey which proceeds partly upon the tramways of the operators and partly upon the tramways of the owners the operators shall not be entitled to retain out of such sum a greater amount than that which would for the time being be chargeable by the operators for such portion of the journey as proceeds on their own tramways according to the fares and rates for the time being adopted and fixed by the operators for their own tramways.

(8) The operators shall not make a charge for any stage commencing or terminating upon the tramways of the owners at any point except a point which constitutes the commencement or termination of a stage appointed by the owners.

(9) In accounting to the owners for the amount of fares and rates as aforesaid the operators shall be entitled to deduct therefrom such sums as may be agreed to be the actual working cost per car mile to the operators of the conveyance of the traffic upon the tramways of the owners :

Provided that in case of difference between the operators and the owners as to the amount of such actual working cost the same shall be determined by arbitration but the arbitrator in arriving at the amount to be awarded shall only be entitled to take into consideration any items of cost actually and necessarily incurred by the operators in (and exclusively for the purpose of) working their cars whilst on the tramways of the owners.

(10) For the purposes of this section the owners shall from time to time afford to the operators on reasonable terms a sufficient supply of motive power for the working of the cars upon the tramways of the owners,

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(11) Any difference arising under this section or any matter required by this section to be determined by arbitration shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and the provisions of Article 48 of the Tramways Order 1902 shall apply to such arbitration.

(12) The provisions of this section shall be construed and have effect subject to the provisions of the scheduled tramway agreement.

17. Notwithstanding anything in Article 31 (Passengers' fares) or in any other article of the Tramways Order 1902 the Corporation may appoint stages upon any of the tramways and may demand and take for every passenger travelling upon such tramways any fares rates or charges not exceeding one penny per stage and for this purpose the fraction of a stage shall be deemed a stage Provided that the charge for any such stage shall not exceed the rate of one penny per mile.

Power to appoint stages.

18. The Corporation may appoint the stations and places from which the carriages used on any of the tramways shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such carriages shall be allowed to remain at any such place and for enforcing order at any such place The term "carriage" in this section shall include any engine used on the tramways.

Corporation may appoint stopping and starting places.

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

Shelters or waiting rooms.

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

Power to attach brackets to buildings.

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

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

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

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

Use of tram-
way posts by
Postmaster-
General.

21.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain. Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair :
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him

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and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided :

- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :
- (J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

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

(3) All differences arising under this section shall be determined in manner provided by sections four and five of the Telegraph Act 1878 for the settlement of differences relating to a street or public road. A.D. 1909.

(4) In this section—

The expression “the Corporation” includes their lessees;

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

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

22.—(1) The Corporation may with the approval of the Board of Trade enter into and carry into effect agreements with any local authority company body or person owning leasing running over or using any tramway or light railway with which any tramway of or leased to the Corporation connects with respect to the lease alteration equipment working running over use management and maintenance of all or any of the respective tramways light railways and works owned by or leased to any of the contracting parties or any part or parts thereof respectively the making of all necessary junctions the supply by any of the contracting parties to the other or others of them under and during the continuance of any such agreement of rolling stock plant machinery and electrical energy or power necessary for the purposes of such agreement the appointment and removal of officers and servants the payments to be made and the conditions to be performed in respect of any such lease or other such contract or agreement or in respect of such working use management maintenance or the exercise of running powers the interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties and the payment collection division and apportionment of the revenue arising from the respective undertakings and the payment of any fixed or contingent rent and subject to the right of any local authority to purchase any portion of the undertaking any lease contract or agreement made under the powers of this section may be for any period not exceeding thirty years. Agreements
for leasing
working &c.

(2) Notwithstanding anything contained in the Bury Corporation Tramways Act 1901 or any other Act relating to the Bury Corporation or their tramways the Bury Corporation shall not put into execution with respect to any of the tramways any powers conferred by those Acts which shall conflict or be inconsistent

A.D. 1909.

with the provisions of any lease of such tramways taken by them from the Corporation or any agreement made by them with the Corporation with respect to any of the purposes referred to in this section or the terms conditions and regulations upon and subject to which they may for the time being be entitled to exercise any powers of running over and using such tramways.

(3) Notwithstanding anything contained in the Rochdale Corporation Act 1900 or the Rochdale Corporation Act 1908 the Rochdale Corporation shall not put into execution with respect to any of the tramways any powers conferred by those Acts which shall conflict or be inconsistent with the provisions of any lease of such tramways taken by them from the Corporation or any agreement made by them with the Corporation with respect to any of the purposes referred to in this section or the terms conditions and regulations upon and subject to which they may for the time being be entitled to exercise any powers of running over and using such tramways.

PART IV.

MOTOR OMNIBUSES.

Corporation
may run
motor omni-
buses.

23.—(1) The Corporation may provide but shall not manufacture motor omnibuses and may run the same within the borough in connection with the tramways for the time being belonging to or in lease to the Corporation when the running of carriages thereon is impracticable or during the construction reconstruction alteration or repair thereof or in extension of any of such tramways and the Corporation may demand and take such reasonable fares and charges for the conveyance of passengers therein as may be approved by the Board of Trade.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) The provisions of Article 26 (Special provisions as to use of electrical power) and Article 27 (For protection of Postmaster-General) of the Tramways Order 1902 shall apply to every motor omnibus moved by electrical power unless such power is entirely contained in and carried along with the omnibus. .A.D. 1909.

(5) All provisions of the Conveyance of Mails Act 1893 relating to the conveyance of mails on tramways shall apply and have effect in relation to the motor omnibuses provided under this section as if such omnibuses were carriages on tramways authorised by an Act passed after the first day of January one thousand eight hundred and ninety-three.

(6) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

24. The Corporation shall keep separate accounts of their receipts and expenditure under this Part of this Act distinguishing therein capital from revenue. Separate accounts of omnibus undertaking to be kept.

PART V.

GAS.

25.—(1) The Corporation may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply. Charge for gas supplied by means of prepayment meters.

(2) The Corporation shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the

A.D. 1909. — cost of collection and other costs incurred by the Corporation in connexion with the meter and fittings.

(3) The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of eightpence per thousand cubic feet of gas supplied through such meter.

(4) The Corporation shall be entitled if they think fit to require a deposit of one shilling per quarter for a prepayment meter. Provided that the amount collected from the prepayment meter during such quarter shall be applied in the first place in refunding the said deposit to the person who has paid the same and subject thereto the deposit shall belong to the Corporation. Notice of the effect of this subsection shall be printed on a card to be attached to every prepayment meter.

(5) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Quality of gas.

26. The prescribed number of candles shall be not less than fourteen.

Testing place.

27. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Corporation on any part of their gasworks.

Testing for quality.

28.—(1) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light. Provided that the Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Corporation shall before supplying or within three months after beginning to supply gas under this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair. A.D. 1909.

29.—(1) All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer. Pressure.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Corporation shall afford to the examiner all reasonable facilities for making the test.

30. Section 71 (As to quality of gas) of the Act of 1867 section 7 (Pressure of gas) of the Act of 1883 and the words in subsection (1) of section 6 of the Act of 1883 “and for the purposes of the incorporated Act the prescribed number of candles and burners shall be the same as are respectively mentioned in section 71 of the Act of 1867 and the prescribed testing place shall be some part of the gasworks of the Corporation and the prescribed time shall be one month from the passing of this Act” are hereby repealed. Repeal of certain provisions of Acts of 1867 and 1883.

31. No penalty shall be incurred by the Corporation for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Corporation. Saving as to penalties.

32. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes hereof. Power to lay gas pipes in streets not dedicated to public use.

A.D. 1909.

As to construction and placing of pipes &c. between mains and meters.

33. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

- (1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:
- (2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper (once in each of two newspapers) circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Corporation at their gasworks:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation. Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid. A.D. 1909.

34. Any gas fittings or apparatus let for hire by the Corporation under section 9 of the Act of 1883 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings or apparatus are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof. Fittings let for hire by Corporation not to be subject to distress &c.

35. At least twenty-four hours notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation. Gas consumers to give notice to Corporation before removing.

36. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation. Notice to discontinue supply of gas.

37. Where any person has a supply of gas laid on by the Corporation to any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation the Corporation shall be entitled to receive from him as a standing charge in addition to the price of the gas actually supplied to him a fixed sum to be determined by them not exceeding five pounds per annum. Provided always that in determining such fixed sum the Corporation shall have regard to Supply of gas where consumer has separate gas installation.

A.D. 1909. the probable maximum supply of gas which might at any time be required for such premises And provided also that the Corporation shall not be entitled to any such standing charge as aforesaid in respect of any premises for which the whole supply of gas afforded by them is taken through a meter having a nominal capacity of less than ten lights.

Minimum charge for gas laid on to premises having supply of electricity.

38. Where any person has a supply of gas laid on by the Corporation to any premises for which he has at the same time a supply of electricity either from the Corporation or from an installation other than that of the Corporation the Corporation shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of a year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum Provided always that in fixing the amount of such minimum charge the Corporation shall have regard to the probable maximum supply of gas which might at any time be required for such premises Provided also that in respect of any premises for which the whole supply of gas afforded by the Corporation is taken through a meter having a nominal capacity of less than ten lights and the supply of electricity is taken from the Corporation no such minimum charge shall be made And provided also that in respect of any premises for which the whole supply of gas afforded by the Corporation is taken through such a meter as aforesaid and the supply of electricity is obtained from an installation other than that of the Corporation the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

Power to require use of anti-fluctuators for gas engines.

39.—(1) Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Corporation may cease to supply him with gas.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

40. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

A.D. 1909.
 Period of error in defective meters.

PART VI.

ELECTRICITY.

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

Altering date for filling up annual accounts for electric lighting.

42. The Corporation may enter into and carry into effect agreements with any local authority or company for the time being authorised by Parliament or the Board of Trade to supply electrical energy in any district adjacent to the area of supply of the Corporation for the supply of electrical energy in bulk by such local authority or company but such supply shall be given only subject to the provisions of the respective Acts or Orders under which such local authority or company are or may be empowered to supply electrical energy. Provided that nothing in this section shall authorise the Corporation to lay any mains or to interfere with any street beyond the borough.

Purchase of electricity in bulk.

43. The Corporation may upon the application of the owner or occupier of any premises within the area of supply of the Corporation abutting upon or being erected in any street or road laid out or made but not dedicated to public use supply such

Power to lay electric mains in streets not dedicated to public use.

A.D. 1909. premises with electrical energy and may lay down take up alter relay or renew in across or along such street or road such mains pipes wires apparatus and other works as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 incorporated with the Electric Lighting Act 1882 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof as if the works referred to in this section were pipes for the supply of gas.

For protection of Lancashire and Yorkshire Railway Company.

44. For the protection of the Lancashire and Yorkshire Railway Company (herein-after in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect (that is to say):—

- (1) Whenever under the powers of this Act the Corporation shall require to lay down take up alter relay or renew any mains pipes wires apparatus and other works in connexion with their gas or electricity undertaking upon across or under any railway for the time being belonging to or worked by the company or the stations bridges approaches or other works thereof or to construct any works adjoining or in close proximity thereto they shall give to the engineer of the company fourteen days notice in writing of their intention to carry out any such works accompanied by sufficient plans:
- (2) Such works including the making good and repairing of any roads over any such railway and over any bridges and approaches which the company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation shall be laid constructed and executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the said engineer and according to plans to be previously reasonably approved by him and so as to avoid as far as possible injury to any such railway or any of the works thereof and so as not to cause any interruption to the passage or conduct of the traffic over or at any such railway or station:
- (3) When the Corporation open or break up any road or pavement of any street or other works belonging to or repairable by the company they shall with all

convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any as the soil so broken up shall continue to subside :

- (4) If the Corporation make delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the company may cause the work so delayed or omitted to be executed and the expense of executing the same shall be repaid to them by the Corporation :
- (5) The Corporation shall repay to the company the expense of any temporary works or watching which the Company may reasonably consider necessary to provide for the protection of any such railway or the traffic thereon during the carrying out of the works aforesaid :
- (6) If any injury shall owing to or by reason of any of the matters aforesaid arise to any such railway or works or interruption to such traffic the Corporation shall make full satisfaction in respect thereof to the company and in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in manner herein-after provided :
- (7) Any difference which may arise between the Corporation and the company under the provisions of this section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the president of the Institution of Civil Engineers at the request of either party.

45. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply or the continuance of a supply of electrical energy for premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless he shall have previously agreed to pay to the Corporation such minimum annual sum as will give to

Supply of electricity where consumer has separate supply.

A.D. 1909. them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration under the Electric Lighting Act 1882.

Electric lighting consumer to give notice to Corporation before removing.

46. Twenty-four hours' notice in writing shall be given to the Corporation by every consumer before he shall quit any premises supplied with electrical energy by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur. Notice of the effect of this enactment shall be contained in or endorsed on every demand note for charges for electrical energy.

Corporation may refuse to supply electrical energy in certain cases.

47. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Discount on electric supply accounts.

48. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electrical energy from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar circumstances.

Supply of electrical energy outside area of Corporation.

49. If the local authority for any district adjoining the borough are or shall be authorised by Provisional Order confirmed by Parliament to supply electrical energy or if any company are so authorised to supply electrical energy within any such district the Corporation may enter into and carry into effect agreements with any such local authority or company for the supply of electrical energy in bulk by the Corporation to such local authority or company.

50.—(1) The Corporation may with the consent of the Board of Trade supply at any point within the borough electricity for the purposes of haulage or traction on any railway tramway or canal situate partly within and partly without the borough and for the purposes of lighting vehicles and vessels used on any such railway tramway or canal but the Board of Trade shall not in any case give any such consent until notice of the application for the consent has been given by advertisement or otherwise in such manner as the Board of Trade may direct and an opportunity has been given to any person who appears to the Board to be affected of stating any objections he may have thereto.

A.D. 1909:
Supply of electricity to railways tramways and canals partly outside area of supply.

(2) The Board of Trade may by Provisional Order authorise any such local authority company or person to so supply electricity to be used for purposes incidental to the working or lighting of the railway tramway or canal other than the purposes aforesaid.

(3) A company local authority or body receiving a supply of electricity under this section shall not use the electricity in such manner as to cause or to be likely to cause any interference with Government observatories or laboratories but this subsection shall not apply to any such company local authority or body who by any Act of Parliament or order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such observatories or laboratories are authorised to use electricity for the purposes for which a supply is authorised to be given under this section.

51. Nothing contained in the sections of this Act the marginal notes whereof respectively are "Agreements for leasing working &c." "Purchase of electricity in bulk" "Supply of electrical energy outside area of Corporation" and "Supply of electricity to railways tramways and canals partly outside area of supply" shall authorise the Corporation to supply electrical energy within or for use within the area of supply of the Lancashire Electric Power Company without the previous consent in writing of that company Provided that such consent shall not be unreasonably withheld and if in any case in the opinion of the Board of Trade having regard to all the circumstances of the case such consent is unreasonably withheld the Board may make an order dispensing with such consent.

For protection of Lancashire Electric Power Company.

A.D. 1909.
 Receipts and
 expenses
 under this
 Part of Act.

52.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Corporation and shall be applicable accordingly.

PART VII.

STREETS AND BUILDINGS.

Removal of
 dilapidated
 and neg-
 lected
 buildings.

53.—(1) Where a structure is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner to take down or repair or rebuild such structure (in this section referred to as “a neglected structure”) or any part thereof or to fence in the ground upon which it stands or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such renewal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner

of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs. A.D. 1909.

54.—(1) No street shall be laid out within the borough exceeding three hundred feet in length without having a street at each end thereof and an intersecting street at intervals of not more than three hundred feet in any such street. Provided that this section shall not prevent the use of land adjoining or abutting on either side of a street for a consecutive length exceeding three hundred feet for the site of a mill weaving shed factory works or any one building and the outbuildings yards and approaches belonging to such mill weaving shed factory works or building or for the site of a park pleasure ground or cemetery so long as there is a street at each end of the length of land so used. Intersecting streets.

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

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

55.—(1) 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 indicate the approved line and level thereof. No building allowed until street defined.

(2) 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.

56. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street Elevation of buildings erected on front land to be subject to approval of Corporation.

A.D. 1909. or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for the space of one month after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Corporation
may define
future line
of streets.

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

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

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested

in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

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

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

58. In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Erection of buildings to greater height than adjoining buildings.

59.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully.

For preventing soil and sand from being washed into streets.

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

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

For prevent-
ing water
flowing on
footpaths.

60. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of an order of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

Trees or
shrubs over-
hanging
streets and
footpaths.

61.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Area of
habitable
rooms.

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

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

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

63. Nothing in this Part of this Act shall apply to any building (not being a dwelling-house) belonging to any railway or canal company and used by such company as a part of or in connection with their railway or canal.

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Exemption
of buildings
of railway
companies.

PART VIII.

SEWERS AND DRAINS.

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

Separate
sewers for
surface
water and
sewage may
be required.

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

(3)—(A) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

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

(C) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such

A.D. 1909. premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

Corporation may require enlarged sewer.

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

Corporation may make communications between private drains and their sewers on payment &c.

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

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

67. The powers given by section nineteen of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

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

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

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer. A.D. 1909.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by them.

69. Before the owner of any land within the borough shall culvert or cover over any watercourses thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourses and the method of culverting or covering in the same and the Corporation may subject as herein-after provided require such owner to so construct any such culvert or so to cover any such watercourses as to secure the free and uninterrupted passage of the water flowing in any such watercourses. Water-courses not to be covered in except in accordance with approved plan.

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

Any person offending against this enactment shall be liable to a penalty of five pounds and to a daily penalty of forty shillings.

PART IX.

SANITARY PROVISIONS.

70. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds. Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission Improper construction or repair of watercloset or drain.

A.D. 1909. of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful
damage to
drains water-
closets &c.

71. If any person causes any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Street
orderly bins.

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

Regulation
dustbins.

73. The Corporation may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

For regulat-
ing manu-
facture and
sale of ice
cream &c.

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

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

- (b) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

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shall be liable to a penalty not exceeding forty shillings.

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

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

75.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

Inspection of premises of dealer in ice cream &c.

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

76.—(1) It shall not be lawful to blow or to inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough.

Prohibition of blowing or inflating carcasses.

(2) Any person who shall offend against the provisions of subsection (1) of this section or shall expose or deposit for sale

A.D. 1909. within the borough a carcass so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Compensation to persons ceasing employment.

77. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Information to be furnished to medical officer and penalty for furnishing false information.

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

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

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

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

79.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town clerk's office and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can be reasonably ascertained.

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

PART X.

PAVILIONS AND CONCERTS.

Bands and concerts.

80.—(1) The Corporation may pay or contribute towards the payment of bands of music or vocal choirs and may provide or arrange for the provision of concerts in Queen's Park or in any recreation ground or public building for the time being vested in the Corporation and suitable for the purpose or in any building which the Corporation may hire for the purpose.

(2) The Corporation may in Queen's Park or in any recreation ground vested in them enclose an area for the purpose of any such concert as aforesaid or for any performances by such bands or choirs.

(3) The Corporation may make such charges as they think fit for admission to any such building or enclosure as aforesaid in connection with any such concert or performance and may make regulations for securing good and orderly conduct during any such concert or performance.

(4) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concert or performance given in pursuance of this section.

(5) The Corporation may pay or contribute towards the cost of providing and maintaining at public places in the borough and in newspapers published in the borough advertisements of any concerts or performances given in pursuance of this section.

(6) Any moneys received by the Corporation in pursuance of this section shall be credited to the district fund and any expenses incurred by the Corporation in pursuance of this section may be paid out of the same fund.

(7) Provided always that the net amount of any payments or contributions made by the Corporation for the purposes of this section after deducting any moneys received by them in pursuance of this section shall not in respect of any one year exceed a sum equal to a rate of one halfpenny in the pound on the assessable value of the borough for the purposes of the general district rate.

(8) Provided also that no payment or contribution shall be made under this section unless incurred in pursuance of a resolution of an absolute majority of the whole number of the council at a meeting of the council after seven clear days' notice of such meeting and of the intention to propose such resolution.

PART XI.

POLICE PROVISIONS.

81. Every person who shall on Sunday in any street or public place within the borough cry or call out for sale any newspaper journal or serial or advertise by any cry or call any newspaper journal or serial or ring any bell or use any horn whistle or noisy instrument or create any noise whatsoever or howsoever for the purpose of selling any newspaper journal or

Street cries.

A.D. 1909. serial or attract or attempt to attract the attention of any person or persons by means of any noise whatsoever whether vocal or otherwise for the purposes aforesaid or any of them shall for every such offence be liable to a penalty not exceeding forty shillings.

No person to have care of more than one cart.

82.—(1) Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have the care of more than one cart waggon or carriage each drawn by an animal or animals in any street within the borough within a radius of one mile from the market place and no person shall fasten or allow to be fastened to the rear of any such cart waggon or carriage any other cart waggon or carriage drawn by an animal or any animal drawing a cart waggon or carriage.

(2) Any person acting in contravention of this enactment shall be liable to a penalty not exceeding twenty shillings.

PART XII.

MIDDLETON NEW ROAD.

Confirmation of agreement.

83. The agreement as set forth in the Second Schedule to this Act and made the twenty-ninth day of October one thousand nine hundred and eight between the Corporation of the one part and the Middleton Corporation of the other part is hereby confirmed and made binding upon the parties thereto and the purposes of the said agreement shall be deemed to be purposes of the Public Health Acts but the sanction of the Local Government Board shall not be required thereunder except in respect of works for the inter-communication of sewers and in respect of the borrowing of money.

PART XIII.

FINANCIAL PROVISIONS.

Power to borrow.

84. The Corporation may from time to time borrow at interest—

(1) For and in connection with the gas undertaking of the Corporation on security of the revenue of the gas undertaking and the district fund and general district rate any sums not exceeding ten thousand pounds:

(2) For and in connection with the provision of omnibuses authorised by this Act on security of the revenue of the omnibus undertaking and the district fund and general district rate the sum of two thousand pounds:

(3) For payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act" on the security of the district fund and general district rate any sums not exceeding the amount ascertained as in that section provided:

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

85. The Corporation independently of any other borrowing power may from time to time with the sanction of the Board of Trade borrow such moneys as may be required for the purposes of Part III. of this Act and with the sanction of the Local Government Board borrow such moneys as may be required for any other purposes of this Act on the securities herein-before respectively prescribed or if no securities are so prescribed on such securities as that Board may prescribe Provided that the provisions of this section shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Power to borrow additional moneys with consent of Local Government Board or Board of Trade.

86. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the power of the Corporation of borrowing and reborrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Certain provisions of Public Health Acts not to apply.

87. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act.

Provisions as to mortgages.

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

Protection of lenders from inquiry.

89. All moneys borrowed by the Corporation under the authority of this Act shall be paid off within the periods herein-

Repayment of borrowed money.

A.D. 1909. after respectively mentioned (in this Act referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purpose (1) in the section of this Act whereof the marginal note is "Power to borrow" within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (2) in the said section mentioned within four years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (3) in the said section mentioned within five years from the passing of this Act:

And with respect to moneys borrowed by the Corporation under the authority of this Act with the consent of the Local Government Board within such period not exceeding sixty years as that Board may prescribe.

Mode of payment off of money borrowed.

90. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

91.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

- (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called "a non-accumulating sinking fund"; or
- (B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called "an accumulating sinking fund."

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

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

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

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

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

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such

A.D. 1909. — increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as that Board may direct.

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

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

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

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

Return to
Local Government
Board as to
repayment
of debt.

92.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the

Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such a return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set aside any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

93.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver.

Appoint-
ment of re-
ceiver.

The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

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

Power to re-borrow.

94. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow. Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose. Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Power to borrow under Local Loans Act 1875.

95. The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same funds rates and revenues as they would be charged upon and paid out of if raised by mortgage under this Act and such funds rates and revenues shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the prescribed period; and

The section of this Act of which the marginal note is "Sinking fund" shall apply to any sinking fund provided by the Corporation for the repayment of any moneys so borrowed by them under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Power to use sinking fund instead of borrowing.

96.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of

any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

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

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

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

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

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

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

Power to use one form of mortgage for all purposes.

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

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

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

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

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

(8) There shall be kept at the town clerk's office a register of the transfer of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival

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

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

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

98. The Corporation may at any time after the twenty-ninth June one thousand nine hundred and forty-three require the holders of any annuities granted under section 27 (Gas rates &c. to be charged with gas annuities) of the Act of 1867 and for the time being outstanding to accept redemption of any such annuities on payment of the then fair value of the annuity or annuities so redeemed and the amount of such value shall if not agreed be settled by arbitration in accordance with the provisions of the Arbitration Act 1889 except that the arbitrator shall be nominated by the Local Government Board on the application of either the Corporation or the annuitant and the Corporation may with the sanction of the Local Government Board borrow at interest on the security of the district fund and general district rate and of the revenues of their gas undertaking the amounts payable according to the award to be made by the arbitrator or such part or parts thereof as the sinking fund then applicable for the purpose shall be insufficient to meet together with all costs charges and expenses payable by the Corporation in respect or arising out of such arbitration or the redemption of such annuities.

Redemption
of gas annuities.

99. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Application
of money
borrowed.

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Application
of moneys
arising from
sale of lands
&c.

100. The Corporation shall apply all moneys received by them in respect of any sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Corporation on capital account under this Act in or towards paying off any moneys borrowed and for the time being owing by the Corporation under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation on capital account Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Corporation
not to regard
trusts.

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

Expenses
may be
declared
private im-
provement
expenses.

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

Audit of
accounts of
Corporation.

103. The Corporation may from time to time appoint and pay one or more persons being members of the Institute of Chartered Accountants in England and Wales or of the Incorpo-

rated Society of Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in addition to the auditors appointed under the Municipal Corporations Act 1882. A.D. 1909.

104. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution or other institution of a similar character within the borough any sum not exceeding in the whole twenty-one pounds per annum. Power to Council to subscribe to hospitals.

105. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except expenses connected with tramways which shall be paid out of the tramway revenue and the borough fund and borough rate and except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate. Expenses of execution of Act.

PART XIV.

MISCELLANEOUS.

106. Section 13 (Power to contribute to improvement of road to Manchester) of the Act of 1889 shall be amended by the insertion therein of the words "or new roads" after the words "maintaining a new road" and by the insertion of the words "or roads" after the words "of such road" and the powers of the said section shall not be deemed to be exercised or its operation in any way satisfied or affected by the construction of the new road referred to in the agreement set forth in the Second Schedule to this Act. Amendment of section 13 of Act of 1889 &c.

107. Where in any legal proceedings taken by or on behalf of the Corporation whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or to prove any resolution of the Corporation or of any committee of the Corporation a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the mayor or the town clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments.

108. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an Confirmation of byelaws.

A.D. 1909. urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

Recovery of demands in county court.

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

Recovery of penalties.

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

Appeal.

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

Authentication and service of notices &c.

112.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

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

Application of penalties.

113. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered

against the Corporation be paid to the borough treasurer and be by him carried to the credit of the district fund. A.D. 1909.

114. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

Persons acting in execution of Act not to be personally liable.

115.—(1) The Local Government Board and the Board of Trade respectively may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board and the Board of Trade respectively shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

Inquiries by Local Government Board or Board of Trade.

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

116. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expense payable by such owner or occupier and shall be recoverable accordingly.

In executing works for owner Corporation not liable for damages save in case of negligence.

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Informations
by whom to
be laid.

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

Powers of
Act cumula-
tive.

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

Saving of
indictments.

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

Judges not
disqualified.

120. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Crown
rights.

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

Costs of Act.

122. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act (including the costs charges and expenses preliminary to and of and connected with the compliance with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act) or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys borrowed under the powers of this Act and shall be apportioned by the Corporation amongst the whole or part of the several undertakings and departments under the control of the Corporation and affected thereby as they may decide.

The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

THIS AGREEMENT made the twelfth day of July one thousand nine hundred and nine between the MAYOR ALDERMEN and BURGESSES of the Borough of Heywood (herein-after called "the Heywood Corporation") of the first part the MAYOR ALDERMEN and BURGESSES of the County Borough of Bury (herein-after called "the Bury Corporation") of the second part and the MAYOR ALDERMEN and BURGESSES of the County Borough of Rochdale (herein-after called "the Rochdale Corporation") of the third part Witnesseth as follows:—

1. The Agreement dated the thirteenth day of November one thousand nine hundred and five and made between the Heywood Corporation of the one part and the Bury Corporation of the other part for the working of certain tramways of the Heywood Corporation and the Agreement dated the twenty-third day of December one thousand nine hundred and five and made between the Heywood Corporation of the one part and the Rochdale Corporation of the other part for the working of certain other tramways of the Heywood Corporation are hereby terminated by mutual consent as from the close of the thirty-first day of July one thousand nine hundred and nine and this Agreement shall come into operation as from the commencement of the first day of August one thousand nine hundred and nine.

2. In this Agreement the following expressions have the following meanings:—

"Tramway A" means the tramways of the Heywood Corporation from the boundary of the boroughs of Heywood and Bury in Rochdale Road passing along Bury New Road Bury Street Bridge Street and Market Street as far as the Market Place in the borough of Heywood:

"Tramway B" means the tramways of the Heywood Corporation from the boundary of the boroughs of Heywood and Rochdale in Bolton or Bury Road passing along Rochdale Road East and York Street as far as the Market Place in the borough of Heywood:

"Tramway C" means the tramways of the Heywood Corporation from the Market Place in the borough of Heywood passing

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along Church Street Manchester Street and Manchester Road to the junction with Magdala Street:

“Tramway D” means and includes the following tramways of the Bury Corporation (that is to say):—

The tramways from the boundary of the boroughs of Heywood and Bury in Rochdale Road passing along Heywood Street Spring Street Frederick Street and Market Street as far as the Market Place in the borough of Bury;

The tramways from the said boundary in Rochdale Road passing along Rochdale Road Clough Street Rock Street and Fleet Street as far as the said Market Place;

The tramways from the said Market Place to the said boundary in Rochdale Road passing along Market Street Princess Street King Street and Rochdale Road:

“Tramway E” means and includes the following tramways of the Rochdale Corporation (that is to say):—

The tramways from the boundary of the boroughs of Heywood and Rochdale in Bolton or Bury Road passing along Bolton or Bury Road Manchester Road and Drake Street as far as the Butts in the borough of Rochdale;

The tramways from the said boundary in Bolton or Bury Road passing along Bolton or Bury Road Manchester Road and the Esplanade as far as the Butts aforesaid:

“The operators” means any one of the parties to this Agreement for the time being running a service of cars over tramways of one of the other parties in pursuance of this Agreement:

“The owners” means that one of the parties to this Agreement owning tramways over which one of the other parties is for the time being running a service of cars in pursuance of this Agreement:

“The Heywood clause” means the clause in the Bill being promoted by the Heywood Corporation in Parliament in the session of 1909 whereof the marginal note is “Running powers exercisable by the Heywood Bury and Rochdale Corporations.”

3. The agreement hereinafter contained for the working of the tramways of the Heywood Corporation shall be in force for a period of ten years from the first day of August one thousand and nine hundred and nine and shall continue in force thereafter unless and until it shall be determined by the Heywood Corporation by notice in writing to the Bury Corporation and the Rochdale Corporation which notice may be given them forthwith or at the end of subsequent recurrent periods of

ten years and the period during which such agreement shall so be and continue in force is herein-after referred to as "the working period." A.D. 1909.

4. During and throughout the working period the Bury Corporation and the Rochdale Corporation may and shall each work and run a service of cars in the manner and upon the terms and conditions hereinafter provided over Tramway A Tramway B Tramway D and Tramway E and shall operate the same as a through service between the Market Place in the borough of Bury and the Butts in the borough of Rochdale and shall provide all necessary car equipment for the purpose. The extent and nature of the said service and the time tables according to which the same shall be run shall be such as may from time to time be agreed between the tramway managers of the Heywood Corporation the Bury Corporation and the Rochdale Corporation respectively or in case of difference as may be determined by arbitration in manner herein-after provided.

5. During and throughout the working period the Bury Corporation shall work and run such a service of cars over Tramway C as the Heywood Corporation may from time to time reasonably require having regard to the needs of the traffic and if and when the Heywood Corporation shall construct additional tramways to or through Hopwood in the borough of Heywood in extension of Tramway C the Bury Corporation if so requested by the Heywood Corporation shall thereafter during the remainder of the working period work and run such a service of cars as the Heywood Corporation may from time to time reasonably require over such additional tramways upon similar terms as with respect to Tramway C under this Agreement and if any question shall arise with respect thereto the same shall be determined by arbitration in manner herein-after provided.

6. The following provisions shall apply with respect to all the services of cars to be worked and run in pursuance of this Agreement on Tramway A Tramway B Tramway C Tramway D and Tramway E during the working period (that is to say):—

- (1) The owners shall at their own cost afford a proper and sufficient supply of electrical energy for efficiently moving and lighting the cars to operate and serve their tramways but shall not be responsible for stoppage of supply caused by inevitable accident or vis major :
- (2) In respect of traffic carried by the operators on the tramways of the owners the operators shall charge and shall at the end of every month account for and pay to the owners the sums which would be chargeable by the owners for the stages run over by the operators according to the fares and rates for the time being adopted and fixed by the owners

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in respect to traffic arising upon the tramways of the owners. Provided always that where a sum is charged for a journey which proceeds partly upon the tramways of the operators and partly upon the tramways of the owners the operators shall not be entitled to retain out of such sum a greater amount than that which would for the time being be chargeable by the operators for such portion of the journey as proceeds on their own tramways according to the fares and rates for the time being adopted and fixed by the operators for their own tramways :

- (3) The operators shall not make a charge for any stage commencing or terminating upon the tramways of the owners at any point except a point which constitutes the commencement or termination of a stage appointed by the owners :
- (4) The owners shall at the cost of the operators provide different coloured tickets to show separately the number of passengers carried by them on the tramways of the owners and the operators shall furnish to the owners a monthly return showing the total amount received and the total amount payable to the owners :
- (5) Proper accounts shall be kept by the operators of the traffic covered by this Agreement showing (inter alia) the moneys received and the items of cost incurred by the operators in working and running their cars and the car miles run by such cars so as to show the total thereof and also the number run on the tramways of the owners and the owners shall have full access to the books and accounts of the operators at all convenient times in order to verify and check all accounts rendered by the operators under or in relation to this Agreement :
- (6) The owners shall be entitled if they think fit at their own expense to appoint inspectors to inspect tickets and way bills and such inspectors if in uniform shall have full access to all cars upon the tramways of the owners for the purpose of such inspection :
- (7) Nothing herein contained shall take away or abridge any power to open or break up any road or street along or across which any tramway is or shall be laid but in the exercise of such power as little inconvenience as possible shall be occasioned to the operation of the tramway and such power may be exercised without liability for stopping or delaying tramway traffic :

(8) The operators in working and running their cars on the tramways of the owners shall conform to and observe all byelaws and reasonable regulations for the time being in force on such tramways so far as the same are applicable :

(9) The operators shall indemnify the owners from all damages and costs in respect of any and all accidents damages and injuries arising to any person or property caused by the working of the cars or in anywise arising from the operation by them of the tramways of the owners or any portion thereof and shall also indemnify the owners from all loss or damage and costs in respect of every and all accidents damages or injuries happening through the act or default (accidental or wilful) of the operators or of any person in their employ or in the non-observance of any of the terms and conditions of this Agreement and shall be responsible for all damage to the permanent way of the tramways of the owners operated by them which may be caused by the operators or their servants or workmen in consequence of the defective state of the rolling stock used by them and for all damage to the roadway and all repairs which may be caused or made necessary in like manner :

(10) The owners shall indemnify the operators from all losses or damages and costs in respect of every and all accidents damages and injuries caused by or arising from the defective condition of the tramways of the owners or the electrical equipment (other than the overhead equipment in the case of Tramway A Tramway B and Tramway C) or in anywise arising from the neglect or default of the owners or any person employed by them.

7. The following further provisions shall apply with respect to the working management and maintenance of Tramway A Tramway B and Tramway C during the working period (that is to say) :—

(1) The Heywood Corporation shall maintain the track of Tramway A Tramway B and Tramway C in good and substantial order and repair and shall pay all rates and taxes payable in respect of those tramways :

(2) The Bury Corporation shall be responsible for and shall maintain and keep in good and substantial order and repair to the reasonable satisfaction of the Heywood Corporation the overhead equipment of Tramway A and Tramway C and shall paint all such parts thereof as are usually painted as frequently as similar parts are painted in the borough of Bury :

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- (3) The Rochdale Corporation shall be responsible for and shall maintain and keep in good and substantial order and repair to the reasonable satisfaction of the Heywood Corporation the overhead equipment of Tramway B and shall paint all such parts thereof as are usually painted as frequently as similar parts are painted in the borough of Rochdale :
- (4) The Bury Corporation shall provide equip manage and maintain in good and proper working order and repair the four electric cars at present operating and serving Tramway A and Tramway C and one additional car and the said five cars shall from the commencement of the working period be identified as the cars provided in respect of Tramway A and Tramway C together with a sufficient staff of drivers conductors and inspectors and on any days on which increased traffic may be expected upon the tramways of the Heywood Corporation the Bury Corporation shall provide such additional cars as in the opinion of the tramway manager of the Bury Corporation may be required previous intimation being given whenever possible to the electrical engineer of the Heywood Corporation of the said tramway manager's intention to provide such additional cars :
- (5) The Rochdale Corporation shall provide equip manage and maintain in good and proper working order and repair the two electric cars at present operating and serving Tramway B and the same shall from the commencement of the working period be identified as the cars provided in respect of Tramway B together with a sufficient staff of drivers conductors and inspectors and on any days on which increased traffic may be expected upon the tramways of the Heywood Corporation the Rochdale Corporation shall provide such additional cars as in the opinion of the tramway manager of the Rochdale Corporation may be required previous intimation being given whenever possible to the electrical engineer of the Heywood Corporation of the said tramway manager's intention to provide such additional cars :
- (6) The Heywood Corporation shall at the end of each month pay to the Bury Corporation the actual cost incurred by them in working their cars on Tramway A Tramway B and Tramway C such cost to comprise a sum equivalent to two hundred pounds per annum to cover the capital charges on depôts workshops plant offices and furniture and also such sum per car mile in respect of the mileage run by the Bury Corporation over Tramway A Tramway B and Tramway C during the month as shall be equivalent to the

average cost per car mile run incurred by the Bury Corporation over their whole tramway system during the same month under the following headings (that is to say):—

(A) Traffic expenses:—

- (a) Superintendence ;
- (b) Wages of motormen and conductors ;
- (c) Wages of other traffic employees ;
- (d) Cleaning and oiling cars ;
- (e) Cleaning salting and sanding track ;
- (f) Fuel power light and water for depôt ;
- (g) Ticket check (including wages of inspectors and ticket clerks) ;
- (h) Uniforms ;
- (i) Miscellaneous :

(B) General expenses:—

- (a) Salaries of general officers and staff ;
- (b) Rent of cash office &c. ;
- (c) Rates and taxes (depôt and offices only) ;
- (d) Printing stationery and advertising ;
- (e) Employers liability insurance ;
- (f) Accident insurance and compensation ;
- (g) Fire and other insurances (depôt offices and cars) ;
- (h) Fuel light and water for offices ;
- (i) Miscellaneous :

(C) Repairs and maintenance:—

- (a) Overhead electrical equipment ;
- (b) Cars ;
- (c) Buildings &c. :

Provided that such average cost per car mile for any month shall in the first instance be calculated on the basis of the average for the whole of the last preceding financial year and an adjustment shall subsequently be made between the parties in order that such average cost may finally be calculated on the basis of the average for the whole of the current year. Provided also that if the Bury Corporation or the Rochdale Corporation shall decide not to insure but themselves to undertake for any part of their system liability in respect of the items (B) (e) and (B) (f) above such items shall be eliminated from the calculation so to be made as aforesaid and the Heywood Corporation shall pay to the

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Bury Corporation or the Rochdale Corporation as the case may be such amount as the Bury Corporation or the Rochdale Corporation as the case may be shall reasonably pay by way of premiums for insurance in the matter of the said two items in respect of the traffic carried over the tramways of the Heywood Corporation by the Bury Corporation or the Rochdale Corporation as the case may be :

- (7) The Heywood Corporation shall at the end of each month pay to the Rochdale Corporation the actual cost incurred by them in working their cars on Tramway A and Tramway B such cost to comprise a sum equivalent to one hundred pounds per annum to cover the capital charges on depôts workshops plant offices and furniture and also such sum per car mile in respect of the mileage run by the Rochdale Corporation over Tramway A and Tramway B during the month as shall be equivalent to the average cost per car mile run incurred by the Rochdale Corporation over their whole tramway system during the same month under the same headings as are mentioned in the last preceding sub-clause of this Agreement Provided that such average cost per car mile shall be calculated in the manner provided in such last preceding sub-clause :
- (8) The Heywood Corporation shall during the working period pay such a proportion of the interest and sinking fund charges payable by the Bury Corporation upon the capital cost of the whole of the cars owned by them as the car mileage run by them upon Tramway A Tramway B and Tramway C bears to the total car mileage run by the cars of the Bury Corporation :
- (9) Upon the termination of the working period the five cars provided and identified by the Bury Corporation in accordance with this Agreement shall be taken over by the Heywood Corporation upon their paying to the Bury Corporation the capital cost of such cars less the amount contributed towards the sinking fund in accordance with the last preceding sub-clause of this Agreement and in accordance with the corresponding clause of the said Agreement dated the thirteenth day of November one thousand nine hundred and five In the event of the sinking fund contributions so paid by the Heywood Corporation exceeding the capital cost of the cars taken over by them the Bury Corporation shall refund the excess to the Heywood Corporation :
- (10) The Heywood Corporation shall repay to the Rochdale Corporation upon demand—
 - (a) The whole of the payments from time to time made by the Rochdale Corporation in respect of interest and

sinking fund payable by them upon the cost of the two cars provided and identified by the Rochdale Corporation in accordance with this agreement;

(b) The interest paid by the Rochdale Corporation from time to time in respect of the cost of any additional cars provided by them in pursuance of this Agreement:

And the amount of the payments aforesaid shall be ascertained in manner following (that is to say):—

(c) The payments in respect of sinking fund shall be such proportion of the total amount of the sums paid by the Rochdale Corporation in respect of sinking fund upon the capital cost of all cars belonging to them as the number of cars provided and identified by the Rochdale Corporation in accordance with this Agreement bears to the total number of cars belonging to the Rochdale Corporation;

(d) The payments in respect of interest shall be such proportion of the total amount of the sums paid by the Rochdale Corporation in respect of interest upon the capital cost of all cars belonging to them as the number of car miles run by the cars of the Rochdale Corporation on Tramway A and Tramway B bears to the total car miles run by the cars of the Rochdale Corporation:

(11) Upon the termination of the working period the two cars provided and identified by the Rochdale Corporation in accordance with this Agreement shall be taken over by the Heywood Corporation upon their paying to the Rochdale Corporation the capital cost of such cars less the amount contributed towards the sinking fund in accordance with sub-clause (10) of this clause of this Agreement and in accordance with the corresponding clause of the said Agreement dated the twenty-third day of December one thousand nine hundred and five. In the event of the sinking fund contributions so paid by the Heywood Corporation exceeding the capital cost of the cars taken over by them the Rochdale Corporation shall refund the excess to the Heywood Corporation:

(12) Should the Bury Corporation or the Rochdale Corporation at any time during the working period let spaces for advertising purposes upon the cars provided and identified by them respectively in accordance with this Agreement the Bury Corporation or the Rochdale Corporation (as the case may be) shall pay to the Heywood Corporation their proportion of receipts for such advertisements based upon the car mileage run:

A.D. 1909.

(13) The Bury Corporation shall indemnify the Heywood Corporation from all damages and costs in respect of any and all accidents damages and injuries arising to any person or property caused by the overhead equipment on Tramway A or Tramway C or the maintenance or repair thereof or by the equipment of the cars of the Bury Corporation when working on Tramway A Tramway B or Tramway C :

(14) The Rochdale Corporation shall indemnify the Heywood Corporation from all damages and costs in respect of any and all accidents damages and injuries arising to any person or property caused by the overhead equipment on Tramway B or the maintenance or repair thereof or by the equipment of the cars of the Rochdale Corporation when working on Tramway A or Tramway B.

8. Throughout the working period the car mileage run by the Bury Corporation on Tramway E and the car mileage run by the Rochdale Corporation on Tramway D shall be as nearly as practicable equal but if and so far as the car mileage so run by either the Bury Corporation on Tramway E or the Rochdale Corporation on Tramway D during any month shall exceed the car mileage so run by the other of them during the same month the Corporation so running the larger mileage shall be entitled to receive from the other Corporation in respect of the excess a sum of threepence and one halfpenny per car mile.

9. During the working period neither of the three Corporations parties hereto shall exercise the running powers conferred upon them respectively under the Heywood clause.

10. At any time after the determination of the working period by the Heywood Corporation by notice as herein-before provided the Bury Corporation and the Rochdale Corporation or either of them may exercise through running powers on the terms of the Heywood clause between the Market Place in the borough of Bury and the Butts in the borough of Rochdale over Tramway A Tramway B Tramway D and Tramway E and for this purpose the Bury Corporation and the Rochdale Corporation shall in respect of Tramway D and Tramway E respectively have the same respective rights and liabilities each against the other as under the said clause each of the said corporations has against the Heywood Corporation Provided always that if and so long as the Bury Corporation the Rochdale Corporation and the Heywood Corporation (whether under the powers of this Agreement or of the Heywood clause) or any two of those corporations are at any time after the determination of the working period mutually exercising the said running powers the

A.D. 1909.

car mileage run by any one of the corporations so mutually exercising such powers on the tramways of another corporation also exercising the same shall be as nearly as practicable the same as the car mileage run by the latter on the tramways of the former and as between any two corporations so mutually exercising the running powers the deduction to be made in respect of working expenses as provided under sub-clause (nine) of the Heywood clause shall only be made in respect of the number of car miles by which the car mileage run by one of such corporations on the tramways of the other shall exceed the car mileage run by the latter on the tramways of the former.

11. At any time after the expiration of the working period the Heywood Corporation may if they so desire exercise running powers over the Tottington section of the Bury Corporation Tramways that is to say from the Bury Market Place to the terminus at Tottington in addition to and on the same terms and conditions as apply to Tramway D under this Agreement.

12. Any matter by this Agreement to be determined by arbitration and any difference which may arise between the parties to this Agreement or any of them with respect to the construction of this Agreement or with respect to any matter provided for therein shall be referred to an arbitrator to be agreed upon by the parties in difference or failing agreement to be appointed by the Board of Trade on the application of either party.

13. This Agreement is made subject to confirmation by Parliament and to such alterations (if any) as Parliament may see fit to make therein but if the Committee of either House of Parliament to whom the Bill confirming the same is referred shall make any material alteration therein it shall be competent to any party to this Agreement to withdraw from the same before such Bill receives the Royal Assent and thereupon this Agreement shall become void.

In witness whereof the Heywood Corporation the Bury Corporation and the Rochdale Corporation have caused their respective common seals to be hereunto affixed the day and year first above written.

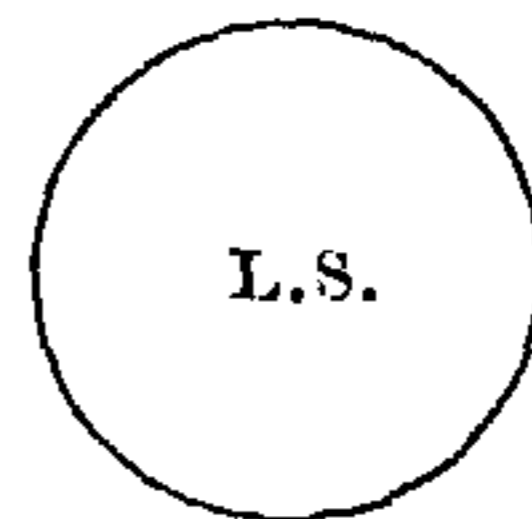
The common seal of the mayor aldermen and burgesses of the borough of Heywood was hereunto affixed in the presence of

CHARLES COUPE

Mayor

GEO. G. BOUCHIER

Town Clerk.

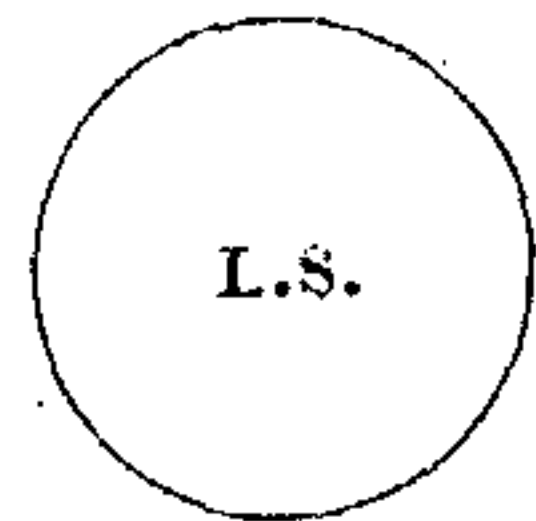


A.D. 1909.

The common seal of the mayor aldermen and bur-
gesses of the borough of Rochdale was hereunto
affixed in the presence of

WM. HENRY HICKSON

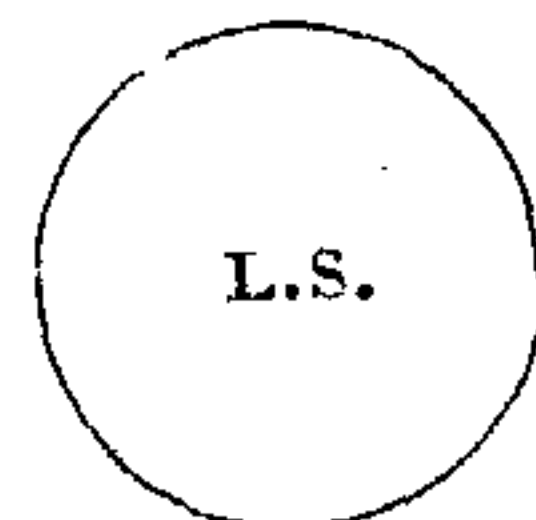
Town Clerk.



The common seal of the mayor aldermen and bur-
gesses of the county borough of Bury was here-
unto affixed by the mayor in the presence of

JOHN HASLAM

Town Clerk.



THE SECOND SCHEDULE.

THIS INDENTURE made the twenty-ninth day of October one thousand nine hundred and eight between the MAYOR ALDERMEN AND BURGESSES of the borough of Heywood in the county of Lancaster (herein-after with their successors called "the HEYWOOD CORPORATION") of the one part and the MAYOR ALDERMEN AND BURGESSES of the borough of Middleton in the said county (herein-after with their successors called "the MIDDLETON CORPORATION") of the other part.

WHEREAS by Part V. of the Heywood Corporation Act 1883 the Heywood Corporation are empowered to do private street works within the said borough of Heywood and to contribute the whole or a portion of the expenses thereof and pay the same out of the district fund or general district rate of the said borough of Heywood and whenever all or any of the private street works in the said Act mentioned have been executed in a street or part of a street by the Heywood Corporation and the Heywood Corporation are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large to declare the whole of such street or part to be a highway repairable by the inhabitants at large :

And whereas by section 13 in Part III. of the Heywood Corporation Act 1889 the Heywood Corporation may (with the consent of the Local Government Board) from time to time contribute such moneys as they think desirable towards the expense of making and maintaining improvements in or a deviation of the road from Heywood to Manchester or of making or maintaining a new road in lieu thereof and the Heywood Corporation may enter into and carry into effect agreements with the county council of Lancashire or with any local or road authority or landowner respecting the application of any moneys so contributed and

otherwise in relation to the improvement diversion making or maintenance of such road and the Heywood Corporation may borrow the amount of any such contribution subject and according to the provisions of the Public Health Act as if the same were purposes of that Act:

And whereas by the Private Street Works Act 1892 the Middleton Corporation are empowered to do private street works within the said borough of Middleton and to contribute the whole or a portion of the expenses thereof and pay the same out of the district fund or general district rate of the said borough of Middleton and whenever all or any of the said private street works have been executed in a street or part of a street and the Middleton Corporation are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large to declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large:

And whereas the said boroughs of Heywood and Middleton are adjoining districts within the meaning of sections 28 and 285 of the Public Health Act 1875 and the Heywood and Middleton Corporations are by the same sections respectively empowered by agreement and with the sanction of the Local Government Board to cause their sewers to communicate with each other's sewers and further to combine together for the purpose of executing and maintaining any works that may be for the benefit of their respective districts or any part thereof:

And whereas it would be for the benefit of the said boroughs that the road between the said boroughs of Heywood and Middleton between the points marked "A" and "C" on the plan annexed hereto being also the road from Heywood to Manchester through Middleton should be improved by the execution of certain private street works therein and for that purpose the Heywood and Middleton Corporations have by an indenture of even date herewith respectively entered into an agreement with Edward Robert Gregge Hopwood of Hopwood Hall Middleton aforesaid Cyril Dewhurst of Hartford Grange in the county of Chester Herbert Egerton Whaley of Quarnden Hall in the county of Derby and Charles Gregory of No. 6 The Sanctuary Westminster and with each other for the widening construction and fencing off of the said road:

And whereas the Middleton Corporation have at their own cost already widened and improved a part of the said road between the points marked "C" and "B" on the plan annexed hereto:

Now therefore this Indenture witnesseth and it is hereby agreed by and between the parties hereto as follows (that is to say):—

1. The Heywood Corporation and the Middleton Corporation shall combine together for the purpose of executing and maintaining the following works for the benefit of their respective districts that is to say for the making and maintaining of a road (herein-after called "the road") fifteen yards wide in continuation of the road in the said borough

A.D. 1909. of Heywood called Middleton Road to and through the place called Top of Hebers and into the land called Hollin Lane in the said borough of Middleton as shown on the plan annexed hereto between the points marked "A" and "C" on the said plan. Provided always that where the full width of fifteen yards between Langley Lane and Rochdale Road in the said borough of Middleton cannot be obtained without taking down existing buildings the width of the road shall at the points where such buildings exist remain as at present. Provided also that the necessary land between the points marked "A" and "B" on the said plan for the purpose of making the road fifteen yards wide as aforesaid is provided under the herein-before recited indenture of agreement of even date herewith and made between the said Edward Robert Gregge Hopwood Cyril Dewhurst Herbert Egerton Whaley and Charles Gregory and the Heywood and Middleton Corporations respectively.

2. The road shall be made in the manner following (that is to say) The carriageway of the road between the points marked "A" and "B" on the said plan shall be macadamized and shall have cindered foot-paths on either side thereof with proper kerbs channels and surface water drains and the whole width of the carriageway between the channels shall be properly ballasted. The road shall be made in the same manner between the points marked "B" and "C" on the said plan where not already so made. And the whole of the work to be executed in the making of the road between the points marked "A" and "C" as aforesaid shall be executed and completed in accordance with the plans sections and specifications prepared by the borough surveyors of Heywood and Middleton and annexed to the hereinbefore recited indenture of even date herewith and the cost thereof together with the cost already incurred by the Middleton Corporation in widening and improving the road between the points marked "A" and "B" as herein-before recited shall be borne equally by the said Corporations subject to any contribution received or to be received by either or both of the said Corporations from the Lancashire County Council being applied in reduction thereof and subject also to the sum of one thousand seven hundred and sixty pounds or such other sum as shall be contributed by the said Edward Robert Gregge Hopwood in respect of the purchase money of certain freehold lands in Magdala Street in the said borough of Heywood for a school site and recreation ground being likewise applied in reduction of the said cost.

3. So much of the road as passes through land belonging to the said Edward Robert Gregge Hopwood within the said borough of Heywood shall be sewered by and at the sole expense of the Heywood Corporation as and when the said land belonging to the said Edward Robert Gregge Hopwood and fronting adjoining or abutting on that part of the road is sold or leased by the said Edward Robert Gregge Hopwood and his

successors in title for building purposes Provided always that the Heywood Corporation shall not be required to sewer that part of the road otherwise than in continuation of the existing sewer at and from the point marked "A" on the said plan to and in the direction of the boundary of the borough of Heywood unless the Heywood Corporation shall in its discretion think fit Provided also that the Heywood Corporation shall not be required to sewer any part of the road more than once.

4. When and as soon as the road shall have been so made as aforesaid so much thereof as is situate within the borough of Heywood shall be duly declared by the Heywood Corporation to be a highway repairable by the inhabitants at large and shall thereafter be lighted cleansed and maintained accordingly and so much thereof as is situate within the borough of Middleton shall be duly declared by the Middleton Corporation to be a highway repairable by the inhabitants at large and shall thereafter be lighted cleansed and maintained accordingly.

5. If at any time hereafter the Middleton Corporation shall in manner hereafter mentioned require the Heywood Corporation to receive into their sewer in the road sewage from buildings in the said borough of Middleton constructed and to be constructed on lands fronting adjoining or abutting on the road between Langley Lane and the boundary between the said boroughs of Heywood and Middleton the Heywood Corporation subject to the terms and conditions of paragraph three of these presents shall comply with such requirements and the Middleton Corporation shall pay the Heywood Corporation for the treatment of the said sewage so to be received into the sewer belonging to the Heywood Corporation at the same rate as the rate of cost to the Heywood Corporation for treatment of sewage received from buildings in the said borough of Heywood A request by the Middleton Corporation under this clause shall be sufficient if made in writing and authenticated by the signature of the town clerk of Middleton and shall be deemed to have been duly made if sent by prepaid post addressed to the town clerk of Heywood at the offices of the Heywood Corporation.

6. Any intercommunication between any sewer belonging to the Middleton Corporation and the said sewer belonging to the Heywood Corporation shall be constructed and maintained by and at the cost of the Middleton Corporation to the satisfaction of the Heywood Corporation or of their borough surveyor and shall be so constructed and maintained that so far as practicable storm waters shall be prevented from flowing from the sewers of the Middleton Corporation into the sewers of the Heywood Corporation and the Middleton Corporation shall not permit any sewage from places not within the borough of Middleton to pass into their sewers so as to be discharged into the said sewer belonging to the Heywood Corporation without the consent of the Heywood Corporation.

A.D. 1909.

7. The Middleton Corporation shall not at any time without the consent in writing of the Heywood Corporation under the hand of the town clerk cause or permit or consent or allow any persons or person body corporate or incorporate or local authority to cause or permit to flow or fall into or be deposited in the sewer of the Middleton Corporation as connected with the said sewer so constructed by the Heywood Corporation any chemical refuse solid matter or substance or any liquid which would interfere with the flow or which would injure or prejudicially affect or damage the said sewer of the Heywood Corporation or the treatment or disposal of the sewage of the borough of Heywood or which from its temperature might be injurious from a sanitary point of view or be a nuisance or dangerous or injurious to health but shall in all respects duly observe and perform and enforce all statutory provisions now or at any time hereafter in force and prosecute any offences committed thereunder with the intent and purpose of duly fulfilling the objects and terms of this clause.

8. All payments to be made by the Middleton Corporation to the Heywood Corporation for the treatment of sewage to be received into the said sewer belonging to the Heywood Corporation shall be calculated by ascertaining the working expenses of the treatment of all sewage disposed of by the Heywood Corporation at their disposal works including proper allowances for the upkeep and maintenance of the said disposal works and for establishment expenses and the Middleton Corporation shall pay to the Heywood Corporation such proportion of the said working expenses as ascertained as aforesaid as the assessable value of the buildings in the borough of Middleton draining directly or indirectly into the said sewers belonging to the Heywood Corporation bears to the total assessable value of the borough of Heywood. All such payments shall be made half-yearly within one month after the 31st day of March and the 30th day of December in every year after the intercommunication of sewers has been completed and the assessable value aforesaid shall be determined by the county rate basis or valuation for the time being in force in the said borough of Middleton and Heywood respectively and the certificate of the borough surveyors of Heywood and Middleton shall be accepted as conclusive with regard to the number and identity of the buildings in the borough of Middleton draining directly or indirectly into the said sewer belonging to the Heywood Corporation.

9. This Indenture is subject to the sanction of the Local Government Board being obtained to every provision thereof requiring such sanction and also to such sanction being obtained to the raising of any loan required by either of the parties hereto for carrying out the said works or any of them and both parties shall use their best endeavours to obtain such sanction within the space of twelve calendar months from the date hereof. Provided always that the costs of and incidental to this Indenture shall be borne and paid by the parties hereto in equal

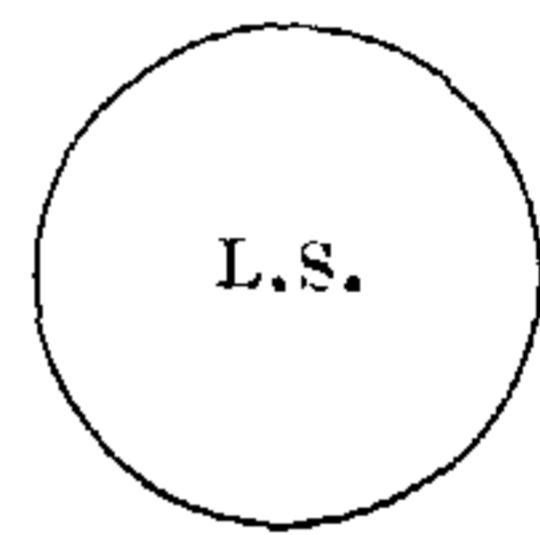
A.D. 1909.

shares in any event Provided also that when and as soon as the sanction of the Local Government Board shall have been obtained for the carrying out of the works other than intercommunication of sewers and for the raising of any loan required by either of the parties hereto for carrying out the works other than intercommunication of sewers as aforesaid it shall be lawful for either or both parties to proceed with the execution and completion of the works to that extent and nothing herein contained shall invalidate any act or proceeding of either of the said parties in that behalf or entitle the other party to refuse to perform any corresponding duty or obligation on their part under this Indenture.

In witness whereof the Heywood Corporation and the Middleton Corporation have caused their respective common seals to be hereunto affixed the day and year first before written.

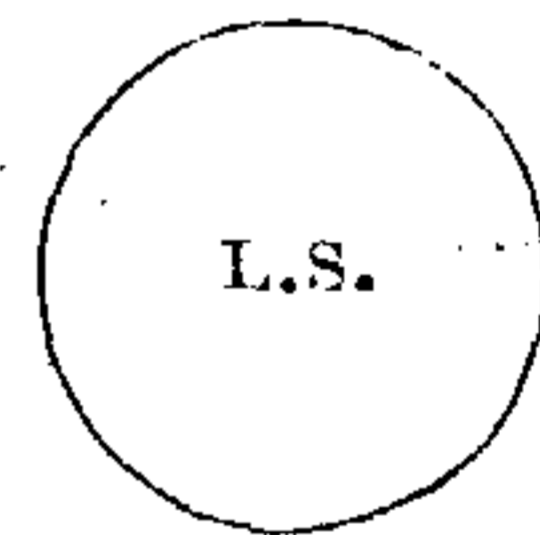
The common seal of the mayor aldermen and burgesses of the borough of Heywood was hereunto affixed in the presence of

DAVID HEALEY
Mayor
GEO. G. BOUCHIER
Town Clerk.



The common seal of the mayor aldermen and burgesses of the borough of Middleton was hereunto affixed in the presence of

W. G. TOWNEND
Mayor
FREDERICK ENTWISTLE
Town Clerk.



THE THIRD SCHEDULE.

FORM OF MORTGAGE.

BOROUGH OF HEYWOOD.

By virtue of the Heywood Corporation Act 1909 and of any other powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Heywood (herein-after called "the Corporation") in consideration of the sum of _____ pounds paid to the borough treasurer by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum of £ _____ so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators

A.D. 1909. and assigns from the day of the date of these presents until the said sum of shall be fully paid and satisfied with interest for the same at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half yearly on the thirty-first day of March and the thirtieth day of September in each year And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the borough treasurer on the day of one thousand nine hundred and :

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and (and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum).

Dated this day of one thousand nine hundred and and

FORM OF TRANSFER OF MORTGAGE.

I (the within-named of) in consideration of the sum of pounds paid to me by of (herein-after called "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within-written security) (the mortgage number of the revenues of the Heywood Corporation bearing date the day of) and all my right and interest

[9 EDW. 7.] *Heywood Corporation Act, 1909.* [Ch. cxxxii.]

under the same subject to the several conditions on which I held the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions. A.D. 1909.

Dated this day of one thousand nine hundred
and

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