

**CHAPTER clix.**

An Act to consolidate with amendments certain of the Local Acts in force within the county borough of Bury to make further provision in regard to the various undertakings of the Corporation and to make better provision for the health and local government of the borough and for other purposes. [20th October 1909.]

A.D. 1909.

WHEREAS the county borough of Bury (herein-after called "the borough") is a municipal borough under and subject to the Municipal Corporation Act 1882 and is also a county borough under the Local Government Act 1888 and the mayor aldermen and burgesses of the borough acting by the council (herein-after called "the Corporation") are the sanitary authority for the district and the borough under the Public Health Act 1875 and are also the local authority for the same district within the meaning of the Tramways Act 1870 and the Electric Lighting Acts 1882 and 1888:

And whereas there are in force in the borough numerous Local Acts and Orders which relate to the improvement and local government of the borough including the supply of gas and electricity the construction and working of tramways and other matters:

And whereas many of the provisions of those Acts and Orders have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain amendments and additions in one Act:

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And whereas it is expedient at the same time to extend in various respects the powers of the Corporation relating to matters comprised in those enactments and to other matters of health and local government :

And whereas it is expedient that the other powers contained in this Act should be conferred on the Corporation :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the sixteenth 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 Bury Times a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund :

And whereas such resolution was published twice in the said Bury Times and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the seventh 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) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Bury Corporation Act 1909 and shall save as otherwise in this Act expressed commence and take effect on the first day of January one thousand nine hundred and ten which date is herein-after referred to as "the commencement of this Act."

Short title
and com-
mencement.

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

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|------|------------------------------------------|-----------------------------------|
| Part | I.—Preliminary. | Division of
Act into
Parts. |
| Part | II.—Gas. | |
| Part | III.—Tramways. | |
| Part | IV.—Electricity. | |
| Part | V.—Markets Fairs and Slaughter-houses. | |
| Part | VI.—Parks. | |
| Part | VII.—Burial Grounds. | |
| Part | VIII.—Public Buildings Baths &c. | |
| Part | IX.—Lands. | |
| Part | X.—Streams and Bridges. | |
| Part | XI.—Building Regulations. | |
| Part | XII.—Streets Sewers and Drains. | |
| Part | XIII.—Sanitary Provisions. | |
| Part | XIV.—Milk Supply (Tuberculosis). | |
| Part | XV.—Ice Cream. | |
| Part | XVI.—Smoke Prevention. | |
| Part | XVII.—Common Lodging-houses. | |
| Part | XVIII.—Rates. | |
| Part | XIX.—Financial Provisions. | |
| Part | XX.—Fire Insurance and Accident Funds. | |
| Part | XXI.—Public Vehicles and Street Traffic. | |
| Part | XXII.—Street and other Police Offences. | |
| Part | XXIII.—Miscellaneous. | |
| Part | XXIV.—Repeal. | |

3. The limits of this Act shall save as otherwise in this Act expressed or implied be the borough.

Limits of
Act.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction and in the Acts wholly or partially incorporated with this Act for the purposes of this Act “the undertakers” or “the company” or “the commissioners” means the Corporation And in this Act unless the subject or context otherwise requires—

Interpreta-
tion.

“The borough” means the county borough of Bury as constituted and existing at the passing of this Act;

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

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- “The mayor” means the mayor of the borough ;
- “The council” means the council of the borough ;
- “The town clerk” and “the treasurer” “the surveyor” “the medical officer” and “the inspector of nuisances” mean respectively the town clerk the treasurer the surveyor the medical officer of health and the inspector of nuisances of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any of such officers ;
- “The borough fund” “the borough rate” “the general fund” and “the general rate” mean respectively the borough fund the borough rate the general fund and the general rate of the borough ;
- “Corporation Acts” means this Act and such sections of Acts of Parliament as are excepted from repeal and set out in the Sixteenth Schedule to this Act ;
- “The gasworks undertaking” includes all lands properties works buildings machinery plant mains apparatus appliances rights powers and privilèges for the time being belonging to or held or used or enjoyed by the Corporation for or in relation to gasworks or the manufacture storage or distribution or otherwise for or in relation to or in connexion with the supply of gas by them ;
- “Mechanical power” means steam electrical and any other motive power not being animal power ;
- “Engine” includes motor ;
- “The authorised tramways” means the tramways authorised to be constructed by the Corporation at the passing of this Act but the construction of which has not been completed and which are described in Part II. of the Third Schedule to this Act ;
- “The Corporation tramways” means the tramways described in Part I. of the Third Schedule to this Act and the authorised tramways and any tramways tramroads or light railways for the time being belonging to constructed or authorised to be constructed by the Corporation and whether within or beyond the borough ;
- “The demised tramways” means any tramways tramroads or light railways whether within or beyond the

borough not belonging to the Corporation but which for the time being are demised to or worked by the Corporation or on which the Corporation for the time being have power to and do place and run carriages; A.D. 1909.

“The tramways undertaking” includes the Corporation tramways and omnibuses and demised tramways and also all lands buildings stations machinery appliances apparatus rights powers and privileges for the time being belonging to the Corporation or held or used or enjoyed by them for or in relation to or in connexion with the Corporation tramways and omnibuses;

“The electricity undertaking” includes all lands properties works buildings stations machinery plant mains apparatus appliances rights powers and privileges for the time being belonging to or held or used or enjoyed by the Corporation for or in relation to or in connexion with the supply of electricity by them;

“The markets undertaking” includes all lands properties buildings apparatus appliances manorial and other rights franchises powers authorities and privileges for the time being vested in held used or enjoyed by the Corporation for the purposes of or in connexion with markets fairs refrigerators cold air stores and ice-making apparatus slaughter-houses or dead meat markets;

“Stream” means the Barn Brook and any other stream or watercourse in the borough;

“Closet accommodation” means any receptacle for human excreta and the fittings and apparatus connected therewith;

“Cattle” includes horses asses mules sheep goats and swine;

“Dairy” means any farm farmhouse cowshed milk-store milkshop or other place from which milk is supplied or in which milk is kept for purposes of sale;

“Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy;

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

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

“Principal moneys” means any moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) and not raised by the issue of Corporation stock ;

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

“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 precept of the Corporation ;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878 ;

“Park” means any park pleasure ground place of public use and recreation or open space for the time being belonging to or managed by or under the control of the Corporation ;

“Court” means the whole or any part of any present or future court alley entry passage yard way or place used with or common or appurtenant to two or more dwelling-houses; A.D. 1909.

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

“The Board” means the Local Government Board.

5. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845); Incorporation of general Acts.

The Gasworks Clauses Act 1847 (with the exception of the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) and the Gasworks Clauses Act 1871 (with the exception of sections 6 7 8 and 35 of the Act);

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place and run carriages upon such tramways and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section and section 43 shall be read and have effect with respect to the Corporation tramways as if a period of forty-two years were therein mentioned instead of the period of twenty-one years;

The schedule to the Electric Lighting (Clauses) Act 1899 with the substitution of the words “special Act” for the words “special Order” and of the word “ten” for the word “five” in the proviso to subsection (1) of section 8;

The provisions of the Markets and Fairs Clauses Act 1847 “With respect to the construction of this Act and any Act incorporated therewith” and “With respect to the holding of the market or fair and the protection thereof” (except section 13 of the said Act) and “With respect to weighing goods and carts” and “With respect to the stallages rents and tolls to be taken by the Undertakers” (with the exception of sections 31 and 32 of the Act) and section 42 of the Act the marginal note whereof is “Byelaws may be made for all or any of the purposes herein named”;

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The provisions of sections 53 and 54 of the Towns Improvement Clauses Act 1847 provided that the said section 53 shall be construed and have effect as if the words "in the Public Health Act 1875" had been substituted therein for the word "herein-after";

The provisions of section 10 (Constables not to resign without leave or notice) section 11 (Constables dismissed to deliver up accoutrements) and section 12 (Penalty for unlawful possession of accoutrements or for assuming the dress of a constable) of the Town Police Clauses Act 1847;

are hereby (save so far as any of their provisions are expressly excepted or varied by this Act) incorporated with this Act and this Act for the purposes of such incorporated Acts shall be deemed to be and shall be the special Act within the meaning of any such Acts provided that with respect to the sections of the Towns Improvement Clauses Act 1847 by this section incorporated this Act shall be deemed to have been passed on the twenty-fifth day of July one thousand eight hundred and seventy-two.

Division of
borough into
wards.

6. Subject as regards any future alteration of wards to the provisions of the Municipal Corporations Act 1882 or of any Act amending or extending the same with respect to the alteration of wards the borough shall continue to be divided into five wards having respectively the names and boundaries contained in the First Schedule to this Act and shown upon the borough plan deposited in the Private Bill Office of the House of Commons and with the town clerk at his office in accordance with the provisions of section 6 of the Bury Improvement Act 1885 by this Act repealed but in the event of any disagreement between the description contained in such First Schedule and in the wards shown upon the borough plan the borough plan shall prevail.

PART II.

GAS.

Gasworks
undertaking
to continue
vested in
Corporation.

7. The gasworks undertaking as it exists at the commencement of this Act shall (subject to the provisions of this Act) be and continue vested in the Corporation.

8. The Corporation may hold the lands described in the Second Schedule to this Act and may thereon erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers mains pipes stop-cocks machinery and other works and apparatus and conveniences and may do all acts proper for making and storing gas and for supplying gas within the limits of this Part of this Act and may make store and supply gas accordingly and may manufacture store sell provide supply and deal in coke tar and every product refuse or residuum arising or to be obtained from the materials used in the manufacture of gas.

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Power to
maintain
gasworks
and supply
gas.

9.—(1) The Corporation on the lands described in the Second Schedule to this Act may make and maintain a railway having a junction with the Lancashire and Yorkshire Railway at a point five chains or thereabouts east of the centre of the bridge over the said railway carrying the road from Deardens to the Manchester Bolton and Bury Canal Reservoir and may provide erect and maintain on the said lands a storeyard or depôt for coal stone and other materials stables weighing machines tool-houses and other buildings and works for the convenient use of such storeyard or depôt and (subject to agreement as in this Act herein-after provided) may provide and use railway sidings in connexion therewith.

Construction
and main-
tenance of
railways
sidings and
storeyard.

(2) The Corporation may for the purpose of conveying coals coke and residual products between the Lancashire and Yorkshire Railway and the gasworks of the Corporation or the said storeyard or depôt use and employ on the railway locomotive engines or other motive power and the carriages and waggons to be drawn or propelled thereby and may from time to time enter into and carry into effect agreements with the owners and occupiers of any works or manufactories or other persons within so much of the borough as previously to the amalgamation of townships within the borough formed part of the township of Elton for the conveyance of mineral traffic on the railway.

(3) The Corporation and the Lancashire and Yorkshire Railway Company may from time to time make and enter into agreements with respect to the construction maintenance and user upon lands belonging to the Corporation and the said railway company respectively or to either of them as the case may be of railway sidings leading to and from the said

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gasworks of the Corporation or the said storeyard or depôt and in connexion therewith and as to any alterations by the said railway company of their railway at or near Deardens aforesaid which may be necessary or desirable in relation to the construction and the safe and convenient working of such sidings as aforesaid.

(4) The Corporation in order to avoid in the execution and maintenance of the said railway injury to the houses and buildings within one hundred feet of such railway at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (A) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (B) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the office of the town clerk:
- (C) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference to be appointed at the instance of either party by the Board of Trade:
- (D) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall

be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building : A.D. 1909.

- (E) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (F) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the arbitrator the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (G) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (H) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (I) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

10. The Corporation may for the purposes of their gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands described in the Second Schedule to this Act any lands and hereditaments not exceeding Corporation may acquire other lands by agreement.

A.D. 1909. in the whole ten acres which the Corporation may require for the purposes of their gasworks undertaking but the Corporation shall not create or permit a nuisance on any such lands and no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Act.

Power to lay down and utilise pipes for ancillary gasworks purposes.

11. The Corporation may lay down place repair alter remove and renew mains pipes and culverts within the gas limits for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from any manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable extend and apply to the laying down and placing repairing altering or removing and protection of such mains pipes and culverts.

Power to lay pipes for gas supply in streets not dedicated to public use.

12. The Corporation may on the application of any owner or occupier of any premises abutting on or being erected in any street or road within the gas limits laid out or made but not dedicated to public use supply such premises with gas and may lay down take up alter relay repair or renew in across or along or out of such street or road such pipes and apparatus as may be requisite or proper for the furnishing such supply in the same way and to the same extent as if such street or road had been dedicated to public use and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for and not inconsistent with the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

For protection of Lancashire and Yorkshire Railway Company.

13. 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) In the application of the Gasworks Clauses Act 1847 to the exercise of the powers of the two last preceding sections of this Act and of the section of

Part IV. of this Act whereof the marginal note is "Power to lay pipes in streets not dedicated to public use" 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 adjoining or in close proximity thereto section 8 of the said Act of 1847 shall be read and have effect as if ten days had been inserted therein in lieu of three days:

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- (2) 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 exercise of the powers aforesaid:
- (3) 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.

14.—(1) The Corporation may sell let for hire or otherwise deal in fix repair and remove (but shall not manufacture) engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

Power to deal in fittings &c. and fittings not to be subject to distress.

(2) Any fittings let for hire under the provisions of this section and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be.

15. The limits of this Part of this Act (in this Act referred to as "the gas limits") shall be the borough and so much of the

Limits for gas supply.

A.D. 1909. township of Tottington Lower End as lies on the southerly side of a straight line running from the upper weir on Kirklees Brook near Hopkinson's Farmhouse to Furlane Ends all within the county of Lancaster.

Application
of Gasworks
Clauses Act
1871.

16. The Gasworks Clauses Act 1871 as incorporated with this Act shall apply to the gasworks undertaking by the Corporation as if the undertaking were authorised by this Act subject and according to the following provisions (that is to say):—

- (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 from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying such consumer:
- (2) The prescribed number of candles shall be not less than twelve each consuming one hundred and twenty grains of sperm per hour:
- (3) 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 approve the use of any other burner photometer or standard light which may appear to that Board to be equally or more suitable for the testing:
- (4) With reference to section 28 the prescribed place shall be some part of the gasworks of the Corporation or such other place as may be appointed by the Corporation and the prescribed time shall be one month after the commencement of this Act.

No penalty
for failure
to supply

17. 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 caused by circumstances beyond the control of the Corporation.

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gas in case
of unavoi-
dable cause.

18. The price of gas supplied by the Corporation by meter shall not exceed five shillings per one thousand cubic feet.

Price of gas
by meter.

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

As to con-
struction and
placing of
pipes &c.
between
mains and
meters.

(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 or once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the gasworks office of the Corporation:

(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

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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.

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

20. 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 repair and in default of his so using or keeping such anti-fluctuator in proper repair the Corporation may cease to supply gas to such consumer. 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. Any such taking off removing testing inspecting and replacing as aforesaid shall be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

Power to refuse supply to persons in debt for other premises.

21. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Gas consumers to give notice to Corporation before removing.

22. 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.

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23. 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 gasworks office of the Corporation.

Notice to
discontinue
supply of
gas.

24. 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.

Period of
error in
defective
meters.

25. The Corporation may contract with any local authority company or persons supplying gas under parliamentary powers in any district beyond the gas limits but only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or persons supplying gas as aforesaid within such district for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits.

Corporation
may contract
with local
authority &c.
for supply in
bulk.

26.—(1) As from the commencement of the financial year next after the commencement of this Act the Corporation shall keep accounts in respect of their gasworks undertaking separate from all their other accounts (distinguishing therein

Gasworks
undertaking
accounts and
revenue.

A.D. 1909. capital from income) and shall apply the revenue of such undertaking as follows (that is to say):—

- (Firstly) In payment of the costs charges and expenses of and incidental to the collecting and recovering of the revenue of the gasworks undertaking :
- (Secondly) In payment of the working and establishment expenses and costs of management and maintenance of the gasworks undertaking :
- (Thirdly) In providing the moneys required to pay the interest on the moneys borrowed by the Corporation for the purposes of the gasworks undertaking :
- (Fourthly) In providing the requisite appropriations instalments or sinking fund payments in respect of the moneys borrowed for the purposes of the gasworks undertaking :
- (Fifthly) In extending and improving the gasworks undertaking :
- (Sixthly) In making good to the general fund any deficiency in the revenues of the Corporation in respect of the gasworks undertaking which may at any time hereafter have been provided out of the general fund or general rate :
- (Seventhly) In providing a reserve fund for the gasworks undertaking if the Corporation think fit by setting aside such sum as they shall think reasonable and investing the same together with the sum herein-after in this section directed to be transferred to the said fund and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed shall amount to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one fifth of the aggregate capital expended for the time being by the Corporation upon the gasworks undertaking which fund shall be applicable as the Corporation think fit in meeting expenses caused by accidents and other contingencies or to answer any deficiency at any time happening in the income of the Corporation from the gasworks undertaking or to meet any extraordinary claim demand or expenditure in respect of the gasworks undertaking or to the renewal of works or mains and so that if the fund shall at any time be

reduced it may thereafter be again restored to the limit herein-before prescribed and so from time to time as often as such reduction shall happen. Provided that the Corporation may resort to the said reserve fund for the above purposes notwithstanding that the same may not at any time amount to the limit herein-before prescribed: A.D. 1909.

And the Corporation shall carry to the general fund one moiety of so much of the balance remaining in any year of the income of the gasworks undertaking (including interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the gasworks undertaking and paying the current expenses connected therewith and the other moiety thereof shall be applied in and towards the reduction of the gas charges of the Corporation.

(2) Any deficiency in the revenue of the gasworks undertaking shall forthwith be made good out of the general fund and general rate.

(3) Any sum standing to the credit of any gasworks reserve fund formed prior to the commencement of this Act shall be transferred to the reserve fund by this section authorised.

PART III.

TRAMWAYS.

27. The tramways undertaking as it exists at the commencement of this Act (including the tramways which are shortly described in the Third Schedule to this Act) shall subject to the provisions of this Act be and continue vested in the Corporation. Tramways undertaking to continue vested in Corporation.

28.—(1) The Corporation may hold and use the lands described in the Fourth Schedule to this Act for the purpose of maintaining thereon a station or stations for generating electrical energy and for providing and working thereon engines dynamos batteries accumulators machinery and other electrical plant and works and may construct and maintain upon such lands a station or stations for generating electrical energy and may provide and work thereon engines and other electrical plant and works and may by means thereof produce use and supply such energy for any of the purposes of this Act but nothing in this subsection shall authorise the Corporation to Lands for generating stations.

A.D. 1909. generate electrical energy elsewhere than on the lands so described.

(2) The Corporation for the purpose of working the Corporation tramways and (with the consent of the owners of any of the demised tramways) for the purpose of working such demised tramways may use the electrical generating station and works by Part IV. of this Act authorised and may provide and supply energy therefrom.

Power to purchase additional lands by agreement.

29. The Corporation in addition to any other lands which they are by this Act authorised to acquire may from time to time by agreement purchase take on lease acquire and hold for the purposes of their tramway undertaking any lands not exceeding in the whole ten acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

Power to maintain and work Corporation tramways.

30. The Corporation may make form lay down renew work use and maintain the Corporation tramways or any of them together with all proper rails plates sleepers channels junctions turntables turn-outs crossings passing places posts poles brackets wires stables carriage houses generating stations engine houses sheds buildings works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section :

Provided also that in making or laying down the authorised tramways the Corporation shall make form and lay down the same in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with respect thereto and in all respects in accordance with those plans and sections :

Provided further that unless and until Clough Street from its junction with Chapel Street to its junction with Rock Street be widened so as to be of not less width than thirty-six feet there shall not be run along and over the tramway in the said Clough Street a service of tramcars for the conveyance of passengers except in an inward direction or at more frequent intervals than shall be necessary to provide for the maintenance of a twenty minutes service along the said

Clough Street And further that when and so soon as the said Clough Street shall be widened as aforesaid the Corporation are hereby authorised to divert and maintain the said tramway along the said Clough Street to and along and in the centre of the said Clough Street so widened as aforesaid Provided always that the Corporation shall be at liberty freely to run their empty cars from and to the tramway depôt of the Corporation as and when they may require.

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31. The Corporation tramways shall be constructed on a gauge of four feet eight and a half inches but carriages or trucks adapted to be run on railways shall not be run thereon.

Gauge of Corporation tramways.

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

As to rails of authorised tramways.

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

Plan of proposed mode of construction.

34. No part of the authorised tramways shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection by Board of Trade.

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

Penalty for not maintaining rails and roads.

A.D. 1909.

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

Tramways to be kept on level of surface of road.

36. If the Corporation or any other road authority shall after the commencement of this Act alter the level of any street or road along or across which any part of any of the Corporation tramways is laid or is authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the street or road as altered.

Corporation may reduce width of footway for constructing tramways.

37. For the purpose of constructing any tramway in any street within the borough the Corporation may increase the width of the roadway of such street by reducing the width of the footway on each or either side of such street Provided that no footway shall be so reduced to a less width than six feet.

Crossovers to be constructed where less than a certain width left between footpath and tramway.

38. Where in any street or road in which a double line of Corporation tramway is laid there shall be less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and when required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

39.—(1) The Corporation may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such crossovers passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the Corporation tramways or for facilitating the traffic on the streets or roads in which the same are laid or for providing access to any warehouses stables or carriage houses depôts engine houses generating stations or works of the Corporation or for effecting junctions with any tramways.

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Power to
make addi-
tional cross-
overs &c.

(2) Notwithstanding anything shown on the deposited plans with respect to the Corporation tramways the Corporation may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the Corporation tramways and may with the like consent at any time alter the position in the road of any of the Corporation tramways or any part thereof.

(3) Provided that in the construction of any such works no rail shall except with the consent of the Board of Trade be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the street if one third of the owners or one third of the occupiers of the houses shops or warehouses abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

(4) Provided also that no work in pursuance of subsection (2) of this section shall be constructed outside the borough except with the consent of the local and road authority within whose jurisdiction such work shall be constructed The request for such consent shall be made in writing under the hand of the town clerk and shall be accompanied by a plan and section of the work for which the consent is required.

40. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriageway of which any of the Corporation tramways are or is laid it shall in the opinion of the Corporation

Temporary
tramways
may be made
when neces-
sary.

A.D. 1909. or (in the case of any of the Corporation tramways beyond the borough) of the road authority of the district in which such part of the Corporation tramways are situate be expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may (in the case of any tramway beyond the borough with the consent of the road authority for the district in which such tramway is situate and subject to such conditions as the road authority may impose) from time to time construct in the same or any adjacent street or road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

If any difference arises between the Corporation and the road authority as aforesaid with respect to any conditions or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled by arbitration under this Act.

Application
of road ma-
terials exca-
vated in con-
struction of
works.

41. In the case of any of the Corporation tramways beyond the borough any paving metalling or material excavated by the Corporation in the construction of any works by this Part of this Act authorised from any road under the jurisdiction or control of any road authority may be applied by the Corporation so far as may be necessary in or towards the reinstatement of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section twenty-eight of the Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same. Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit. Any difference between the Corporation and any road authority or surveyor or other person with reference to any

of the matters aforesaid shall be settled by an arbitrator to be nominated by the Board of Trade on the application of either party. A.D. 1909.

42. The Corporation may cut and lop any trees planted in or near any highway along the route of the Corporation tramways which may in any way interfere with the construction or working of the tramways or trolley wires in connexion therewith or with the clear and safe passage of the tramcars and the passengers thereon. Provided that the Corporation shall not in the exercise of the powers of this section do unnecessary damage to any such trees and shall make compensation to any persons who may sustain damage by the exercise of the powers conferred by this section. Corporation may lop trees overhanging public highway.

43. The carriages used on the Corporation tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):-- Provisions as to motive power.

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power :
- (3) The Corporation or any company or person using any mechanical power on the Corporation tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion—
 - (A) that the Corporation or any company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

A.D. 1909.

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

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

Special provisions as to use of electrical power.

44. The following provisions shall apply to the use of electrical power on the Corporation tramways unless such power is entirely contained in and carried along with the carriages :—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

- (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the said Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking : A.D. 1909.
- (5) At the expiration of two years from the commencement of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from electric currents Provided that with respect to the Corporation tramways described in Part I. of the Third Schedule to this Act this subsection shall have effect as if the words "at the expiration of two years from the commencement of this Act" had been omitted therefrom :
- (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of such Board by an arbitrator to be appointed by the said Board and the costs of such determination shall be in the discretion of the said Board or of the arbitrator as the case may be :
- (7) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any of the Corporation tramways.

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For protection of Postmaster-General.

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

For protection of post office telegraph lines.

46. In the event of any of the Corporation tramways being worked by electricity the following provisions shall have effect:—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3) Before any electric line is laid down or any act or work for working the Corporation tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the

course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Corporation as to any requirements so made shall be determined by arbitration:

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the works of the Corporation or to the working of the undertaking the engineer-in-chief of the Post Office or any persons appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the works of the Corporation for the purpose of inspecting the plant of the Corporation and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid ~~produce~~ any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records ~~kept~~ by the Corporation pursuant to the Board of Trade regulations:
- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or

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the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section ~~which is directed to be determined~~ shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the Corporation tramways.

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Use of tram-
way posts by
Postmaster-
General.

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

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

(c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the Corporation 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:

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- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided :
- (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 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 Corporation 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 connexion with the Corporation tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

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

(4) In this section—

The expression "the Corporation" includes their lessees ;

A.D. 1909.

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.

Apparatus used for mechanical power to be deemed part of tramway.

48. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the street or road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation upon the Corporation tramways for the purposes of mechanical power were parts of the tramway.

Mechanical power works.

49. For the purpose of working any of the Corporation tramways by mechanical power the Corporation subject to the provisions of this Act may place construct erect lay down make and maintain on above or below the surface of any street or road posts brackets electric conductors wires apparatus subways tunnels cables tubes and openings Provided however that in the case of any tramways beyond the borough other than those constructed or authorised at the commencement of this Act the said works shall be carried out to the reasonable approval of the local and road authority of the district in which such tramways shall be laid:

Provided also that the Corporation shall not under the powers of this section construct any work which shall so interfere with the access to any passenger or goods station of the Lancashire and Yorkshire Railway Company as to obstruct or endanger the free ingress and egress of traffic into and from any such station and if any difference arise between the Corporation and that company as to whether such access will be so interfered with the question shall be referred to arbitration in the manner provided in the section of this Act the marginal note whereof is "For protection of Lancashire and Yorkshire Railway Company."

Attachment of brackets to buildings.

50. 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 any of the Corporation tramways by mechanical power:

Provided that—

- (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;

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

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

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

For regulating the emission of smoke or steam from engines used on the said tramways;

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

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

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

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

Power to Corporation to work tramways.

52. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the Corporation tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the Corporation tramways by animal or mechanical power but nothing in this section shall empower the Corporation to create or permit a nuisance.

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

53. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the Corporation tramways shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but such byelaws may be made to restrict the rate of speed to a lower rate than that so authorised.

Regulations.

54. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any of the Corporation tramways or portions of such tramways be made by the Corporation alone.

Power to carry animals goods minerals and

55. The Corporation tramways may be used for the purpose of conveying and delivering animals goods minerals or parcels but the Corporation shall not be under any obligation to carry

on such tramways unless they think fit any animals goods A.D. 1909.
 minerals or parcels other than personal luggage carried by parcels on
 passengers in accordance with the provisions in this Act tramways.
 herein-after contained.

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

Provided that the Corporation may appoint stages upon
 the Corporation tramways each of not less than half a mile
 in length and may demand and take from every passenger
 travelling upon the Corporation tramways including every
 expense incidental to the conveyance of such passenger any
 fare not exceeding one penny for any two consecutive stages
 or portion of that distance travelled and for this purpose the
 fraction of a stage shall be deemed a stage.

57. It shall not be lawful for the Corporation or any Prohibiting
 person working or using the Corporation tramways to take raising of
 or demand on Sunday or on any bank or public holiday any fares on Sun-
 higher fares or charges than those levied by them on ordinary days and
 week days. holidays.

58. Every passenger travelling upon the Corporation Passengers'
 tramways may take with him his personal luggage not ex- luggage.
 ceeding twenty-eight pounds in weight without any charge
 being made for the carriage thereof all such luggage to be
 carried by hand and at the responsibility of the passenger and
 not to occupy any part of a seat nor to be of a form or
 description to annoy or inconvenience other passengers.

59. The Corporation may run through cars along any As to run-
 of the routes of the Corporation tramways or any specified ning through
 portion thereof and such cars shall be distinguished from other cars and
 cars in such manner as may be directed by the Corporation charges for
 and they may demand and take for every passenger by such cars same.
 a fare or charge not exceeding the maximum fare allowed by
 this Act for and in respect of the whole of such route or the
 whole of the portion thereof traversed by any such car.

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Cheap fares
for labouring
classes.

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

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

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

Rates for
animals
goods &c.

61. The Corporation may demand and take in respect of animals goods minerals articles and things conveyed by them on the Corporation tramways including every expense incidental to the conveyance any rates or charges not exceeding those specified in the Fifth Schedule to this Act subject to the regulations in that behalf therein contained.

Payment of
rates and
charges.

62. The rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the Corporation tramways and in such manner and under such regulations as the Corporation or the persons entitled to demand and take such rates and charges may appoint.

Periodical
revision of
rates and
charges.

63. If at any time after three years from the opening for public traffic of the Corporation tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the Corporation tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the

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borough or by the Corporation or in the case of any of the Corporation tramways beyond the borough by the local authority of any district in which such tramways are wholly or partly situate or by twenty inhabitant ratepayers of that district that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the Corporation tramways or on such portion of the Corporation tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the Corporation tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

64. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to the Corporation tramways) use the Corporation tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Corporation
may use
tramways
for sanitary
purposes.

65. The Corporation may erect and maintain sheds or shelters or waiting rooms for the accommodation of passengers on the Corporation tramways or demised tramways and of the Corporation servants and the Corporation may in the borough and (with the consent of the local and road authority of such district and for such period and on such terms as may be agreed upon) in any district beyond the borough in which any of the Corporation tramways or demised tramways may be situate use for the purpose of the said sheds or shelters portions of the public streets in or near to which the said tramways are situate.

Shelters or
waiting-
rooms.

66. The Conveyance of Mails Act 1893 shall extend and apply to the Corporation tramways as if the same had all

Application
of Convey-
ance of

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Mails Act
1893.

been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

Corporation
may run
omnibuses.

67.—(1) The Corporation may provide (but shall not manufacture) omnibuses moved by animal or mechanical power and may run the same within the borough or in connexion with the Corporation tramways along the routes of intended tramways or in lieu of any Corporation tramways and with the consent of the owners of any of the demised tramways in lieu of such demised tramways during construction or reconstruction or repair thereof demanding and taking 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 omnibuses.

(3) The Corporation may make byelaws for regulating the travelling and the prevention of nuisances in their 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) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General or telephonic communication by means of any apparatus of the National Telephone Company Limited.

(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 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.

Penalty for
malicious
damage.

68. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the Corporation tramways or demised

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

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69.—(1) In addition to any other provisions in this Act contained the Corporation shall at their own expense pave so much of any main road in the county of Lancaster whereon any Corporation tramways at the passing of this Act are laid as lies between the rails of the tramway (and where two tramways are laid the portion of the road between the tramways) and in every case so much of the road as extends eighteen inches beyond and on the outside of any such tramway with granite setts on concrete foundations to the satisfaction of the surveyor of the county council of the county of Lancaster (in this section called “the county council”) and shall at all times maintain and keep the same in good repair and condition and if the Corporation at any time fail to maintain and keep the same in good condition and repair to the satisfaction of the surveyor of the county council they shall for every such default be subject to a penalty not exceeding five pounds for every day on which such default continues and such penalty may be recovered in the manner provided by section 56 of the Tramways Act 1870 by the county council.

For protec-
tion of
Lancashire
County
Council.

(2) Where the nearest rail of any of the aforesaid tramways is of a less distance than seven feet from the outer edge of the footpath or carriageway on either side the Corporation shall at their own expense maintain to the satisfaction of the county surveyor the space between the rail and footpath or boundary of the carriageway for the full length of such space.

(3) The Corporation shall not without the consent in writing of the county bridgemaster (which consent shall not be unreasonably withheld) place erect or attach any support for any wire or attach any pipe on or to the structure of any Hundred Bridge of the county council over which any of the Corporation tramways is laid and shall on receiving three

A.D. 1909. months' notice in writing (which notice shall not be unreasonably given) remove any post support or pipe which shall at any time be so placed erected or attached as aforesaid.

(4) Nothing in this Act shall in any way limit or affect the powers of the county council to rebuild alter widen repair or improve the structure of any Hundred Bridge as aforesaid upon which any work by this Act authorised shall be constructed and in the event of the county council desiring to rebuild alter widen repair or improve any such Hundred Bridge or its approaches as aforesaid the county council shall not be liable to make any compensation whatever for any damage or injury to the tramways by reason of the said rebuilding altering widening repairing or improving as the case may be and the county council shall give the Corporation one month's notice of their intention to carry out such works (except in the case of urgency caused by danger to the traffic) and the county council may require the Corporation at their own expense to remove or temporarily support their rails wires pipes or other plant in such manner as the circumstances of the case may reasonably require and if it becomes necessary for effecting any such rebuilding altering widening repairing or improving that the working and user of such tramway be wholly or in part stopped or delayed and the county council give the Corporation three days' clear notice in writing requiring such stoppage or delay the working and user of such tramway shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such rebuilding altering widening repairing or improving and the county council shall not be liable for any compensation claims damages costs or expenses for or in respect of such stoppage or delay.

For protection of urban district of Radcliffe.

70. Nothing in this Act contained shall be deemed or construed to alter or affect the operation of any of the provisions of the Radcliffe Urban District Council Tramways Order 1900 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1900) or the Radcliffe Tramways and Improvement Act 1904 or of an indenture of lease dated the first day of December one thousand nine hundred and five and made between the Radcliffe Urban District Council of the one part and the Corporation of the other part or of an agreement dated the seventh day of December one thousand nine hundred and five and made between the said council of the one part and the Corporation of the other part.

71. For the protection of the Lancashire and Yorkshire Railway Company (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):—

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 For protec-
 tion of Lan-
 cashire and
 Yorkshire
 Railway
 Company in
 respect of
 tramways.

- (1) In this section the word "apparatus" includes posts conductors wires tubes mains plates cables ropes apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the Corporation tramways and includes also any openings and ways for the purposes of such apparatus :
- (2) Where any of the Corporation tramways at the passing of this Act or any apparatus in connexion therewith is laid along a road which is carried by means of a bridge over any railway canal or canal feeder of the company the Corporation shall so construct or alter and maintain and use the said tramway and apparatus as not to alter or interfere with the structure of any such bridge or of the approaches thereto :
- (3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction alteration maintenance repairing user or removal of the Corporation tramways or apparatus the company may at the expense in all things of the Corporation after giving (except in cases of emergency when they shall give the longest notice practicable) not less than seven clear days' notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned :
- (4) All works which may be necessary in constructing altering and maintaining the Corporation tramways or apparatus over any such bridge and the approaches thereto shall be constructed and maintained in all things at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the engineer of the company :
- (5) In case it shall become necessary in consequence of the existence or user of the Corporation tramways

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or apparatus to strengthen the fabric of any such bridge the company may after giving to the Corporation fourteen clear days' notice thereof execute such works as may be necessary but in all things at the expense of the Corporation:

- (6) The sleepers and other materials forming the substructure of the Corporation tramways where the same cross any such bridge over the railway canal or canal feeder or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the company:
- (7) Whenever and so often as the company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any of the Corporation tramways is laid or the approaches thereto or whenever and so often as the company shall find it necessary in consequence of the existence or user of any such tramway to strengthen the fabric of any such bridge and the company shall in any of such events find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall (except in cases of emergency when they shall give the longest notice practicable) give to the Corporation fourteen clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Corporation and under the superintendence of the engineer of the company (if such engineer shall give such superintendence) but only for so long as the company may find it to be absolutely necessary for effecting such purpose and the company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such

stoppage or delay or in any way relating thereto If A.D. 1909.
the Corporation after such notice make default in
diverting taking up or removal of any such tram-
way or apparatus the company may at the expense
of the Corporation effect such diversion taking up
or removal :

- (8) If it shall be necessary for the purposes of this Act to raise sink or otherwise alter the position of any existing wire cable conductor or other apparatus of the company the Corporation shall give to the company seven clear days' notice thereof and the company may after giving notice to the Corporation themselves carry out such raising sinking or alteration and the costs and expenses thereof and of any other works necessary for the protection of such wire cable conductor or apparatus shall be borne and paid by the Corporation :
- (9) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or canals or to any company or person using the same by or by reason of the execution or failure of any of the intended works or by reason of any act default or omission of the Corporation or of any person in their employment or of any contractors for the intended works or any part thereof or otherwise and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission Provided that the company shall not admit or compromise any such claim or demand without the consent in writing of the Corporation :
- (10) No additional crossing passing place siding junction turn-out or other work shall be made for or in connexion with so much of any of the Corporation tramways as will extend over the distance in front of the entrance to any passenger or goods station of the company and as will extend for a length of ten yards at each end of such distance :

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(11) In working the Corporation tramway situate in Bolton Street or Knowsley Street within the borough no tramcar or other vehicle used thereon shall without the consent in writing of the company under their common seal be stopped or permitted to be stopped in front of the entrance to the Bury (Bolton Street) or Bury (Knowsley Street) stations of the company or within a distance of ten yards on either side thereof except only for so long as shall be necessary for setting down or taking up passengers :

(12) If any difference shall arise under this section between the Corporation and the company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under section 33 of the Tramways Act 1870.

For protec-
tion of
Secretary of
State for
War.

72. Where any Corporation tramway shall pass any land or building vested in or under the control of His Majesty's Principal Secretary of State for the War Department no crossing passing place siding junction or other work opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such crossing passing place siding junction or other work shall be altered or removed the Corporation or their lessees shall alter or remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so.

The Corporation or their lessees shall not permit any of their engines or carriages to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of His Majesty's Principal Secretary of State for the War Department in such manner as to interfere with access to or from such lands or buildings.

Tramways
undertaking
accounts and
revenue.

73.—(1) As from the commencement of the financial year next after the commencement of this Act the Corporation shall

keep accounts in respect of their tramways undertaking separate from all their other accounts (distinguishing therein capital from income) and shall apply the revenue of such undertaking as follows (that is to say) :—

- (Firstly) In payment of the costs charges and expenses of and incidental to the collecting and recovering of the revenue of the tramways undertaking :
- (Secondly) In payment of the working and establishment expenses and costs of management and maintenance of the tramways undertaking (including the maintenance of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870) :
- (Thirdly) In providing the moneys required to pay the interest on moneys borrowed by the Corporation for the purposes of the tramways undertaking :
- (Fourthly) In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the tramways undertaking :
- (Fifthly) In extending and improving the tramways undertaking :
- (Sixthly) In making good to the borough fund any deficiency in the revenues of the Corporation in respect of the tramways undertaking which may at any time hereafter have been provided out of the borough fund or borough rate :
- (Seventhly) In providing a reserve fund for the tramways undertaking if the Corporation think fit by setting aside such sum as they shall think reasonable and investing the same together with the sum herein-after in this section directed to be transferred to the said fund and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed shall amount to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one fifth of the aggregate capital expended for the time being by the Corporation upon the tramways undertaking which fund shall be applicable as the Corporation think fit in meeting

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expenses caused by accidents and other contingencies or to answer any deficiency at any time happening in the income of the Corporation from the tramways undertaking or to meet any extraordinary claim demand or expenditure in respect of the tramways undertaking or to the cost of renewing any part of the tramways undertaking and so that if the fund shall at any time be reduced it may thereafter be again restored to the limit herein-before prescribed and so from time to time as often as such reduction shall happen. Provided that the Corporation may resort to the said reserve fund for the above purposes notwithstanding that the same may not at any time amount to the limit herein-before prescribed:

And the Corporation shall carry to the borough fund so much of the balance remaining in any year of the income of the tramways undertaking (including interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the tramways undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the tramways undertaking shall forthwith be made good out of the borough fund and borough rate.

(3) Any sum standing to the credit of any tramways reserve fund formed prior to the passing of this Act shall be transferred to the reserve fund by this section authorised.

Partial exemption for Lancashire and Yorkshire Railway Company in case of deficiency.

74. As regards so much of any deficiency in the revenue of the tramways undertaking paid or required to be paid by the Corporation out of the borough fund as may arise in respect of Tramway No. 10 in Part I. of the Third Schedule to this Act described or of Tramways Nos. 5 6 and 6A authorised by the Radcliffe Tramways and Improvement Act 1904 or in respect of the working or use by the Corporation of the tramways of the Bolton Corporation in continuation of the said Tramway No. 10 the Corporation shall and they are hereby required to allow or repay to the Lancashire and Yorkshire Railway Company on account of any land used as a railway constructed under the powers of their Acts of Parliament for public conveyance a sum equivalent to three fourths of so much of the deficiency as shall arise as aforesaid as the said company

shall be liable to pay or shall have paid by reason of their assessment to the borough rate in respect of the said land. A.D. 1909.

75. Notwithstanding anything in this Act contained the Corporation shall as regards such of the Corporation tramways as shall be situate outside the borough once in each year cause the treasurer to lay before them a statement and balance sheet of the accounts of the tramways so situate as aforesaid including such an amount to a reserve fund as the Corporation shall think fit if they determine to make a reserve fund and a proper proportion of the establishment charges for the preceding year and an estimate of the gross receipts to be derived during the ensuing year from the working and use of such tramways and the carriages and trucks thereon and also an estimate of the sums required to meet for such year a proper proportion of all establishment charges including the expenses of working management maintenance of lines works machinery and rolling stock repairs renewals materials rents wages taxes and other outgoings and also a proper proportion of the interest on money borrowed under the powers of this Act for the purposes of the tramways undertaking and electrical equipment in connexion with the Corporation tramways and of the sums required to be annually appropriated for the repayment of such moneys as provided for by this Act and the Corporation shall thereupon fix annually the tolls fares and charges to be levied by them for the use of such tramways and of the carriages and trucks used or propelled thereon for the said year then ensuing (not exceeding the tolls fares and charges specified in this Act) so that as far as is reasonably practicable the revenue shall not be less than the expenditure as before specified for each year Nothing in this section shall be construed to prevent the Corporation levying the tolls rates and charges authorised by this Act.

Statement
balance sheet
and estimates with
respect to
tramways
outside
borough.

76. All orders regulations and byelaws made and certificates given by the Board of Trade under the authority of this Act or the Tramways Act 1870 shall be signed by a secretary or an assistant secretary of the Board.

Orders and
byelaws to
be signed
&c.

77. The Corporation may form junctions between the Corporation tramways and any tramways within or without the borough which can be worked in connexion therewith but only (save as in this Act otherwise provided) with the consent of the owners and lessees of such tramways and as to such of

Junctions
with tram-
ways which
can be
worked in
connexion
with Cor-

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poration
tramways.

them as may be without the borough with the consent of the local and road authority within whose jurisdiction such junctions shall be formed.

Working
agreements.

78. The Corporation may enter into agreements with any person company or local authority with respect to the following purposes or any of them (that is to say):—

- (A) The construction reconstruction electrical equipment maintenance management and repair of any tramways tramroads or light railways within the borough or communicating with the tramways for the time being belonging to or in lease to them respectively or any part thereof:
- (B) The use working and leasing of any such tramways tramroads or light railways and the conveyance of traffic thereon:
- (C) The placing and running by the working party under and during the continuance of any agreement for the working of such tramways tramroads or light railways of carriages thereon the running of through traffic and the interchange of traffic:
- (D) The payment collection and apportionment of tolls rents or other receipts arising upon the respective tramways tramroads or light railways:

Provided that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term therein specified not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed. Provided also that nothing in this section contained shall prejudice or affect the powers of the local authorities for the respective districts or parishes outside the borough in which such tramways may be situate under section 43 of the Tramways Act 1870. Provided nevertheless that the said section shall be read and construed with respect to the Corporation tramways situate outside the borough as if a period of forty-two years were therein mentioned instead of a period of twenty-one years.

Power to
purchase
tramways

79. The power conferred on the Corporation by the Tramways Act 1870 to purchase tramways within the borough is

hereby extended so as to authorise the Corporation by agreement to purchase or take upon lease any authorised tramways or tramroads outside the borough which form continuations of authorised tramways or tramroads at any time existing within the borough which can be worked in connexion therewith Provided that the Corporation shall not exercise such extended power without the consent of the local authorities for the respective districts or parishes in which such tramways may be situate and that nothing in this Part of this Act contained shall prejudice or affect the powers of the local authorities for the respective districts or parishes in which such tramways may be situate under section 43 of the Tramways Act 1870 Provided nevertheless that the said section 43 shall be read and construed with respect to any Corporation tramways situate outside the borough as if a period of forty-two years were therein mentioned instead of a period of twenty-one years.

A.D. 1909.
outside
borough:

80. Where under the provisions of the Tramways Act 1870 or this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration as if the arbitration were pursuant to a submission.

Provisions
as to arbitra-
tion.

81. For the protection of the mayor aldermen and burgesses of the borough of Rochdale the following provisions shall apply and have effect (that is to say) :—

For pro-
tection of
Rochdale
Corporation.

Notwithstanding anything contained in this Act none of the rights or powers conferred by the sections of this Act the marginal notes of which are respectively "Lands for generating stations" and "Corporation may run omnibuses" shall be exercised within the borough of Rochdale or in relation to any tramways therein without in every case the consent in writing of the Corporation of that borough first being obtained.

82. Nothing in this Act contained shall exempt the Corporation or the Corporation tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Provision as
to general
Tramway
Acts.

A.D. 1909.

PART IV.

ELECTRICITY.

Electricity undertaking to continue vested in Corporation.

83. The electricity undertaking as it exists at the commencement of this Act shall (subject to the provisions of this Act) be and continue vested in the Corporation.

Application of provisions of Electric Lighting (Clauses) Act 1899.

84. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act so far as the same are applicable for the purposes of this Act shall apply to the electricity undertaking in all respects as though such undertaking had been originally authorised by this Act.

Generating station.

85. The Corporation may maintain repair extend and use the works for generating electricity and for repairing fittings and appliances upon the lands or part of the lands described in the Sixth Schedule to this Act and may erect construct maintain and use additional works for that purpose with all proper and necessary engines dynamos batteries accumulators machinery and other electrical plant apparatus buildings and works upon such lands.

Power to lay pipes in streets not dedicated to public use.

86. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street or road within the electricity limits laid out or made but not dedicated to public use supply such premises with electricity and may lay down take up alter relay repair or renew in across or along or out of such street or road such pipes cables and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street or road had been dedicated to the public use and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for and not inconsistent with the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to supply electric fittings.

87.—(1) The Corporation may provide sell let for hire and fix set up alter repair and remove (but shall not manufacture) lamps meters electric lines fittings motors apparatus and things for lighting heating and motive power and for all other purposes

for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy (in this section referred to as "fittings") and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such fittings and for securing their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed. A.D. 1909.

(2) Any fittings let for hire under the provisions of this section and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be.

(3) Provided as follows:—

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

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

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

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Area of
supply.

88. The area of supply for the purposes of this Part of this Act and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 (in this Act referred to as "the electricity limits") shall be the borough.

Prices to be
charged.

89. The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 are those stated in the Seventh Schedule to this Act. Provided that the charge to all consumers under precisely similar circumstances and conditions be uniform the prices charged may vary according to the object nature quantity or conditions of the supply.

Discount on
electrical
energy
accounts.

90. 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.

Corporation
may refuse
to supply
electrical
energy in
certain cases.

91. 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 any 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.

As to supply
of electrical
energy
where con-
sumer has
separate
supply.

92.—(1) 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 to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on such a proportion of the capital expenditure and other standing charges incurred by the Corporation as is properly attributable to the possible maximum demand of such person.

(2) In case the Corporation and the person demanding such supply of electrical energy shall fail to agree as to the

amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an arbitrator to be appointed by the Board of Trade. A.D. 1909.

93. At least 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. Electric lighting consumers to give notice to Corporation before removing.

94. Notwithstanding anything contained in section 9 of the Electric Lighting Act 1882 the annual statement of accounts of the electricity undertaking shall after the commencement of this Act be filled up on or before the twenty-fourth 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 electricity undertaking as if the twenty-fourth day of June and the thirty-first day of March were therein 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 undertaking.

95.—(1) If the local authority for any district adjacent to the area which the Corporation are for the time being authorised to supply with electrical energy are or shall be authorised by Act of Parliament or by Provisional Order confirmed by Parliament to supply energy the Corporation and such local authority may enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such authority. Supply of electrical energy outside borough.

(2) The Corporation may enter into and carry into effect agreements with any local authority or person owning or working tramways within or adjacent to the borough for the supply by the Corporation to such authority or person of electrical energy for the working of such tramways.

(3) Any supply of energy by the Corporation under the provisions of this section and any works constructed for that

A.D. 1909. — purpose shall be subject to all provisions for the protection of the telegraphic lines of the Postmaster-General and his rights in respect thereof which are contained in the schedule to the Electric Lighting (Clauses) Act 1899.

(4) The powers conferred by this section shall not be exercised except with the consent of the Lancashire Electric Power Company. Provided that such consent shall not be unreasonably withheld and in any case if in the opinion of the Board of Trade having regard to all the circumstances of the case such consent is unreasonably withheld the said Board may make an order dispensing with such consent. Provided further that the prohibition contained in this section shall not apply in the case of the Radcliffe Urban District Council.

PART V.

MARKETS FAIRS AND SLAUGHTER-HOUSES.

Markets undertaking to continue vested in Corporation.

96. The markets undertaking as it exists at the commencement of this Act shall be and continue vested in the Corporation subject to the provisions of this Act.

Powers of Corporation as to markets fairs refrigerators and slaughter-houses.

97. The Corporation without prejudice to the generality of the provision of the last preceding section shall have the following powers (namely):—

- (1) They may continue the markets and fairs held at the commencement of this Act and may from time to time alter the days on which and the places at which the markets respectively are or may be held and may establish and hold new markets:
- (2) They may continue and from time to time provide market places and market houses for the sale of cattle of corn and of any marketable articles and places for fairs and slaughter-houses and dead meat markets together with all buildings offices approaches appliances conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters:
- (3) They may provide and maintain refrigerators or cold air stores for the storage and preservation of marketable articles and ice-making apparatus and such

other apparatus as may be necessary for the due and proper working and regulation of the refrigerators cold air stores and ice-making apparatus: A.D. 1909.

- (4) They may provide and maintain weighing-houses and machines and all proper appliances for weighing carts and for weighing or measuring articles and may appoint and pay persons to attend to such weighing or measuring:
- (5) They may alter or discontinue any cattle corn or other market or any slaughter-house or dead meat market of the Corporation and improve alter or remove any market place market house or any weighing-house or offices approach or convenience or any slaughter-house or dead meat market or any refrigerator cold air stores or ice-making apparatus belonging to the Corporation.

98. The Markets and Fairs Clauses Act 1847 (in this section referred to as "the 1847 Act") as incorporated with this Act shall apply to the markets undertaking of the Corporation as if the undertaking were authorised by this Act subject and according to the following provisions:— Application
of Markets
and Fairs
Act 1847.

- (1) The markets fairs market places and market houses of the Corporation existing at the passing of this Act shall be deemed to have been duly opened for public use and completed fitted and certified for use of the persons resorting thereto and due notice of such opening shall be deemed to have been given within the meaning and for the purposes of and as prescribed by the 1847 Act:
- (2) The limits of the markets and fairs shall be the borough:
- (3) The byelaws for the regulation of the markets in operation at the commencement of this Act shall be deemed to be byelaws within the meaning of and for the purposes of sections 14 and 42 of the 1847 Act:
- (4) The tolls stallages rents and charges provided for by the section of this Act whereof the marginal note is "Tolls and charges for markets slaughter-houses

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and weighing apparatus of Corporation" shall be deemed to be and shall be the stallages rents and tolls authorised by the special Act:

(5) The fairs shall be held on the fifth day of March the third day of May and the eighteenth day of September in every year Provided that when any of the said days shall fall upon a Sunday the fairs shall be held on the day following.

Tolls and charges for markets slaughter-houses and weighing apparatus of Corporation.

99.—(1) The Corporation may demand take and recover in respect of their markets and the commodities sold therein and of their slaughter-houses and for the use of their weighing-houses machines and apparatus tolls stallages rents and charges not exceeding those specified and set out in the Eighth Schedule to this Act or not exceeding such other tolls stallages rents and charges as from time to time the Corporation shall determine and the Board shall sanction.

Market tolls for stalls &c. payable by successive occupiers.

(2) The several rents stallages and charges payable in respect of the occupation or use of any stall shed standing station or place in any market of the Corporation shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it the whole day but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

Charges for refrigerator &c.

(3) The Corporation may demand take and recover in respect of the use of any refrigerator cold air stores or ice-making apparatus provided by them such charges as they may determine.

Leases of stalls &c.

100. The Corporation may let any of the stands stalls sheds places or other conveniences in any markets or market places under their regulation or control to any person for any term not exceeding three years at such stallages rents or charges and on such terms and conditions as may be mutually agreed on.

Power to take possession of stalls for non-payment of rent.

101. If any tenant shall not after any toll rent stallage or charge has become due and payable to the Corporation in respect of any stand stall shed pen or place in any market market house or market place belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation

may enter upon and take possession of such stand stall shed pen or place and relet the same without prejudice to any other remedy for the recovery of such toll rent stallage or charge. A.D. 1909.

102. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from any market of the Corporation all animals which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tubercular disease. Removal of animals suspected of tuberculosis.

103. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from any market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food. Removal and exclusion from market of animals not fit for food.

104. So long as the Corporation continue to provide and maintain sufficient slaughter-houses no person shall slaughter or dress for sale any cattle in any place within the borough other than the slaughter-houses of the Corporation and if any person shall slaughter or dress for sale any such animal as aforesaid in any place within the borough other than one of such slaughter-houses he shall be liable to a penalty not exceeding five pounds for each such offence. Slaughtering to be in slaughter-houses of Corporation.

105. Nothing in this Part of this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or regulation of the Board of Agriculture and Fisheries or of any local authority made thereunder. Saving for general Act relating to animals.

106.—(1) As from the commencement of the financial year next after the passing of this Act the Corporation shall keep accounts in respect of their markets undertaking separate from all their other accounts (distinguishing therein capital from income) and shall apply the revenue of such undertaking as follows (that is to say):— Markets undertaking accounts and revenue.

(Firstly) In payment of the costs charges and expenses of and incidental to the collecting and recovering of the revenue of the markets undertaking:

(Secondly) In payment of the working and establishment expenses and costs of management and maintenance of the markets undertaking:

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- (Thirdly) In providing the moneys required to pay the interest on the moneys borrowed by the Corporation for the purposes of the markets undertaking :
- (Fourthly) In providing the requisite appropriations instalments or sinking fund payments in respect of the moneys borrowed for the purposes of the markets undertaking :
- (Fifthly) In extending and improving the markets undertaking :
- (Sixthly) In making good to the general fund any deficiency in the revenues of the Corporation in respect of the markets undertaking which may at any time hereafter have been provided out of the general fund or general rate :
- (Seventhly) In providing a reserve fund for the markets undertaking if the Corporation think fit by setting aside such sum as they shall think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed shall amount to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one fifth of the aggregate capital expended for the time being by the Corporation upon the markets undertaking which fund shall be applicable as the Corporation think fit in meeting expenses caused by accidents and other contingencies or to answer any deficiency at any time happening in the income of the Corporation from the markets undertaking or to meet any extraordinary claim demand or expenditure in respect of the markets undertaking and so that if that fund shall at any time be reduced it may thereafter be again restored to the limit herein-before prescribed and so from time to time as often as such reduction shall happen Provided that the Corporation may resort to the said reserve fund for the above purposes notwithstanding that the same may not at any time amount to the limit herein-before prescribed :

And the Corporation shall carry to the general fund so much of the balance remaining in any year of the income of the markets undertaking (including interest on the reserve fund when such fund amounts to the prescribed maximum) as may

in the opinion of the Corporation not be required for carrying on the markets undertaking and paying the current expenses connected therewith.

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(2) Any deficiency in the revenue of the markets undertaking shall forthwith be made good out of the general fund and general rate.

PART VI.

PARKS.

107. All parks vested in belonging to or used or enjoyed by the Corporation immediately before the commencement of this Act shall be and continue to be so vested and may be and continue to be held and maintained by the Corporation.

Existing parks continued as such.

108. The parks of the Corporation shall be parks or pleasure grounds within the meaning and for the purposes of the Public Health Acts and as regards any park the Corporation shall have power to maintain and improve the same.

Powers of Corporation as to parks.

109. In addition to the powers of the Corporation under section 44 of the Public Health Acts Amendment Act 1890 the Corporation may from time to time on giving notice by advertisement in a local newspaper circulating within the borough and by placard close any park or part of any park on such days as they think fit (not exceeding six days in any one year nor two consecutive days on any one occasion) and may take money for special use on those days of any park or any part thereof for any purpose they may approve Provided that no such park or part thereof shall be closed on any Sunday or public holiday.

Occasional use of parks &c.

PART VII.

BURIAL GROUNDS.

110. The burial grounds or cemeteries which have been provided by the Corporation prior to the commencement of this Act and which are now vested in them shall be deemed to have been acquired and provided and all matters and things carried out and done in connexion with such burial grounds or cemeteries shall be deemed to have been carried out and done under the provisions of the Public Health Acts and such provisions shall apply and have effect accordingly:

Existing burial grounds to be deemed to be provided under Public Health Acts.

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Provided that any right of burial and any other right privilege or authority whether in relation to fees or otherwise and any duty of the Corporation with regard thereto existing prior to the passing of this Act under or by virtue of the Burial Acts in respect of any lands vested in the Corporation and used at the passing of this Act for purposes of burial shall not be prejudicially affected or altered by the provisions of this section.

PART VIII.

PUBLIC BUILDINGS BATHS &C.

Public offices
public baths
and fire
stations and
town hall.

111.—(1) The Corporation may maintain the existing public offices and the existing public baths and the existing fire brigade stations and cottages for firemen and from time to time may alter improve and enlarge the same and may provide a town hall and may acquire by agreement and hold lands and may provide such additional or other buildings for any of the said purposes and may furnish and fit up the same as they think fit.

(2) Subject to the provisions of this Act the provisions of the Municipal Corporations Act 1882 shall apply to any town hall or other buildings connected therewith erected under this section as fully and completely as though such town hall and other buildings had been erected under the provisions of that Act except that the period for the repayment of any moneys borrowed or to be borrowed by the Corporation for the said purposes shall not be restricted by section 112 of the said Act but shall be such period as the Board may approve.

Power to
grant or let
use of public
offices or
town hall.

112. The Corporation may grant or let with or without charge the use of any public offices or town hall belonging to or used by them for the purpose of any public meeting festival or entertainment or other purpose approved by the Corporation.

Charges and
rules for and
closing of
public baths.

113.—(1) The Corporation may make such charges and rules and regulations for the use of the public baths as they shall deem reasonable.

(2) The Corporation may close to the public and reserve the exclusive use of any swimming bath for the time being vested in them and may grant the use thereof to any company body or persons either gratuitously or for payment for swimming contests practices or exhibitions of aquatic exercises or for

meetings and may demand and take such sums for the exclusive use of such baths or for the admission of persons thereto as they may think fit. Provided that no such swimming bath shall be closed under the powers of this section for more than six hours on any one day nor more than two days in each week.

114. It shall be lawful for the Corporation or any committee having the management of any museum or art gallery of the Corporation from time to time as regards the said institutions or any of them—

Powers of Corporation as to museum art gallery &c.

- (A) To make rules and regulations for the use of the said institutions by students and others:
- (B) To provide in the art gallery suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms or make such reasonable charges for admission to such exhibitions as to the Corporation may seem fit and also to let or make reasonable charges for admission to lecture rooms:
- (C) To fix and to demand and receive fees and charges for instruction admission to lectures and special exhibitions on such days and occasions and for such period as the Corporation may determine:
- (D) To do all other acts and things necessary or proper for maintaining the said institutions or any of them.

115. All moneys received and all costs and expenses incurred by the Corporation on revenue account under this Part of this Act shall respectively (subject as in this Part of this Act provided) be carried to the credit of and defrayed out of the borough fund.

Expenses and receipts under Part VIII. of this Act.

PART IX.

LANDS.

116. All lands vested in belonging to or used or enjoyed by the Corporation immediately before the commencement of this Act may be and continue to be held maintained and enjoyed by the Corporation.

Existing lands of Corporation to continue vested in them.

117. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for

Power to retain sell &c. lands.

A.D. 1909. such purpose as the Corporation may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in lands which at the commencement of this Act are under the provisions of the Corporation Acts vested in used held or enjoyed by them or which after the commencement of this Act may be acquired or become vested in them under the said provisions Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of the Board to any alienation sale lease or other disposition of any lands for which such approval would be required but for the provisions of this Act.

Purchase of
lands in lease
to Corpora-
tion and
ground rent.

118. The Corporation may purchase or otherwise acquire compulsorily or by agreement the fee simple of and in and any other interest in or over all or any part of the lands now held by them under and by virtue of the several indentures of lease set forth in the first part of the Ninth Schedule hereto and the Corporation may also purchase or otherwise acquire compulsorily or by agreement the ground rent or other rent charged upon issuing out of or payable by the Corporation in respect of the lands described in the second part of the Ninth Schedule hereto and described in the indenture set forth in the said last-mentioned part or any other interest in or over such lands.

PART X.

STREAMS AND BRIDGES.

Power for
Corporation
to improve
any stream.

119.—(1) The Corporation may cleanse scour pitch form or otherwise improve with such materials as they think fit all or any portions of the beds waterways courses and banks of any stream and may also construct and maintain sluice gates or other works in all or any weirs or dams now existing or hereafter to be placed in any stream.

(2) The Corporation may by agreement with the owner thereof purchase or arrange for the alteration amendment or removal of any mill dam weir bank lock wall or other obstruction to the free current of any stream.

120.—(1) The Corporation may by notice in writing to be served upon the owners of lands buildings and hereditaments adjoining or abutting upon the sites of any stream require such owners within a reasonable time to be named in such notice to build or rebuild retaining walls on or adjoining the banks of such stream or to restore the banks and walls thereof to such a state as will prevent the flooding of the adjoining lands and buildings and the falling of soil refuse and other matters into such stream and to maintain and keep the said walls and banks in good order and repair for such purposes.

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Corporation may order retaining walls to be built or rebuilt.

(2) In case of default of the said owners to comply with the terms of the said notice the Corporation may execute the said works and may recover either summarily or in like manner as private improvement expenses under the Public Health Acts all costs charges and expenses which may be incurred by them in the execution of such works from such owners respectively with interest thereon in proportion to the extent of the frontage to the stream of the lands buildings and hereditaments of such owners respectively.

121. It shall not be lawful to culvert or cover over any stream except in accordance with plans and sections to be submitted to and approved of by the Corporation and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall prejudice or affect the rights of any railway company under any statutory provision in force at the date of the passing of this Act to culvert or cover over any stream or watercourse within the borough.

Streams not to be covered over except in accordance with plans.

122. Nothing contained in the foregoing provisions of this Part of this Act shall restrict or interfere with the rights and powers of the Lancashire and Yorkshire Railway Company in respect of the Manchester Bolton and Bury Canal or the feeders connected therewith or of the River Irwell at Burrs or Bury Bridge.

Saving for Lancashire and Yorkshire Railway Company.

123.—(1) Any bridge used for public traffic (other than a bridge which the inhabitants of the county palatine of Lancaster or of any hundred therein are by law liable to maintain and repair and other than any bridge authorised to be made by any railway company) hereafter erected over any

Construction and width of bridges.

A.D. 1909. stream either as a carriageway or as a footway shall be built substantially to the satisfaction of the Corporation and shall be of such width as the Corporation may approve.

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

Trap-doors
in arches
over streams.

124. No hole or trap-door shall be formed or continued in any arches or coverings over any stream in such a way as to allow of matters or things passing into the same and if the owner of any such arch or covering containing any such hole or trap-door shall not stop up or effectually close the same within fourteen days after notice from the Corporation so to do he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding twenty shillings.

For prevent-
ing encroach-
ments in
streams.

125.—(1) From and after the twenty-fifth day of July one thousand eight hundred and seventy-two no person shall build erect or place or cause or permit to be built erected or placed any building erection or thing in or on the sides of any stream so as to encroach upon the waterway or impede the free flow of water therein.

(2) Any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and a daily penalty not exceeding forty shillings and the Corporation may after conviction under the provisions of this section if they think fit (without prejudice to any such penalties as aforesaid) remove the said building erection or thing and recover the expenses thereof as damages from the person or owner in default.

Penalty for
throwing
rubbish &c.
into streams.

126. Any person who shall throw cast or deposit or permit or suffer to be thrown cast or deposited or by any other means convey or cause to be conveyed any animal or the carcase of any animal or any carrion offal filth soil mud ashes stone gravel sand garden stuff rubbish or refuse water or liquid or any offensive matter or any solid or liquid impurity whatsoever into the waterways beds or courses of any stream (except such matter as is usually conveyed thereto by public or private sewers or drains and which is not or cannot legally be intercepted by or conveyed into a sewer of the Corporation) shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty

shillings and the discharge of any such offensive matter aforesaid (except as aforesaid) from any private or other drain waterway doorway or window shall be *prima facie* evidence that the occupier of the premises in which such drain waterway doorway or window is situate or from which it proceeds has committed an offence against the provisions of this section. A.D. 1909.

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

PART XI.

BUILDING REGULATIONS.

128.—(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.

129. No building (not being a public building) shall be erected fronting to any main street not being a side or back street of a greater height from the level of such street than the width of such street. Height of buildings.

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

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

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(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.

Flues to be painted on buildings adjoining vacant land.

131. In all cases where party walls shall hereafter be built adjoining to vacant land with chimney openings and flues on the inner side thereof the outside courses and situations of all such chimney openings or flues shall be distinctly marked and continued with paint on lines of not less than three inches wide upon the outer side of such party walls and every person who shall hereafter build any such party wall without causing such openings and flues to be so marked and continued shall for every such offence be liable to a penalty not exceeding five pounds.

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

132. 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 reasonably approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or 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 plan approved by the Corporation and in case the Corporation for the space of six weeks after any plan 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 in pursuance of any requirement of the Corporation.

Means of escape from buildings in case of fire.

133.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor

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whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

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

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

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

Byelaws as to building materials.

135. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings unless the dwelling-house was constructed before the passing of this Act and a proper and sufficient supply of water is not available.

Provisions as to house without water supply.

136. Nothing in this Part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

Exemption of buildings of railway companies.

PART XII.

STREETS SEWERS AND DRAINS.

137. The provisions of section 15 of the Public Health Acts Amendment Act 1907 shall apply to any plan or section of any street or building deposited in pursuance of any of the provisions of the Corporation Acts or any byelaws in force in the borough.

Extending provisions of section 15 of Public Health Acts Amendment Act 1907.

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Continuation
of existing
streets to be
deemed new
streets.

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

As to width
of road or
lane which
becomes a
new street.

139. When a road or lane within the borough becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by any Act or the byelaws in force in the borough require such owner to widen such road or lane so as to give a width of not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by any such Act or byelaws.

As to level
of new
streets.

140. Every new street shall be laid out and made at such level as the Corporation shall at the time of approving the plans for such street determine Any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Intersecting
streets.

141.—(1) No street shall be laid out for building purposes exceeding one hundred yards in length without at least one intersecting street in every one hundred yards thereof Provided that this section shall not prevent the use of any land adjoining or abutting on any street such land being of a length exceeding one hundred yards but not exceeding four hundred yards for the site of any one building or works with the outbuildings yard and approaches belonging thereto so long as there is a street at each end of the length of land so used.

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

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

142. A railway or canal company shall not be liable to any new street expenses in respect of any new street formed after the twenty-fifth day of July one thousand eight hundred and seventy-two along the side of or abutting upon any railway or canal between which new street and such railway or canal or any other property of the company no communication has been or shall be made by the company but the whole of such expenses shall be borne and paid by the other owners of property in such new street.

Exemption
as to new
street ex-
penses.

143. If any new street within the borough is carried on an embankment and it shall appear to the Corporation necessary to erect or put in footing or retaining walls in order to uphold or form the level of any such new street they may if they think fit charge and recover the whole or such parts as they may deem fair of the cost of such footing or retaining walls upon and from the owner or owners of the lands in or upon which such footing or retaining walls may be erected or put in instead of including the same in any new street expenses as defined by section 150 of the Public Health Act 1875 Provided that such costs in the event of the same being chargeable upon several owners shall be from time to time charged ascertained apportioned and settled and shall be subject to payment of interest or commission in like manner as if the same were new street expenses incurred under the said section.

Power to
Corporation
to put in
footing walls
and charge
owners.

144.—(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 so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give

Corporation
may define
future line
of existing
streets.

A.D. 1909. — notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. 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 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.

(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 shall offend 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.

For prevent-
ing soil and
sand from
being washed
into streets.

145.—(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. A.D. 1909.

(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 purpose of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable.

146. 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. For preventing water flowing on footpath.

147.—(1) Section 69 (Future projections of houses &c. to be removed on notice) and section 70 (Commissioners may cause existing projections to be removed on giving notice and making compensation) of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe and convenient use of any street. Prevention and removal of projections over streets.

(2) The said sections shall be read and have effect in the borough as if the words "twenty-seventh day of July one thousand eight hundred and forty-six" were substituted for the words "the passing of the special Act."

148.—(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 Trees or shrubs overhanging streets and footpaths.

A.D. 1909. — 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 three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the 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 of the owner to appeal shall be endorsed on every requirement of the Corporation under this section.

Power to Corporation to grant licences for bridges over streets.

149. The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting on any street repairable by the inhabitants at large a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without cattle horses carts and carriages by means of a bridge over such street for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given but not exceeding twenty-one years on such terms or at such rent and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit:

Provided that any licence given under this power shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street. If any person shall construct such bridge without such licence or shall not construct or use the same in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds:

Provided also that in the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers

conferred by the Telegraph Acts 1863 to 1908 be deemed part of the street or road which it crosses. A.D. 1909.

150.—(1) It shall not be lawful for any person to fix or place any rope line post cord wire tube or other similar apparatus (other than posts wires tubes or other apparatus for telegraphic telephonic or railway signalling purposes above ground) over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

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

(2) Nothing in this section shall extend to any posts wires tubes or other apparatus belonging to His Majesty's Postmaster-General.

151. The Corporation from time to time may erect or by writing under the hand of the town clerk may consent to the erection of fountains in ~~any street or public place.~~

Erection of fountains.

152. The Corporation from time to time may place such fences rails and posts on the sides of any footways or carriageways of any streets as they may think desirable for the purposes of safety and they may also place any posts in any carriageways so as to make the crossings thereof less dangerous for foot passengers and they shall from time to time repair and renew any such fences rails or posts or remove the same.

Corporation may place fences or posts on footways and carriageways.

153. Whenever any person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Forecourts to be fenced off from streets.

A.D. 1909.

As to vaults
&c. under
streets.

154.—(1) No vault arch cellar coal-shoot area grating or opening shall be made or constructed in or under any street or any part thereof without the consent of the Corporation and all such vaults arches cellars coal-shoots areas gratings and openings made or constructed with such consent shall be substantially made or constructed to the satisfaction of the Corporation.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Courts to be
flagged.

155. The owner or owners of any court yard or passage used in common by two or more occupiers not being a highway repairable by the inhabitants at large or of any part of such court yard or passage shall flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphaltting concreting or paving and drain in good repair and if such owner or owners for one month after notice in writing from the Corporation fail in any respect to comply with this provision he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred ~~by them in~~ that behalf from such owner or owners summarily.

Corporation
may order
houses &c. to
be drained
by combined
drain.

156.—(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 of 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 summarily as a civil debt.

(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 the Corporation except with the consent of the owner or owners of the said house.

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

Connexion
of private
drain with
sewer.

158.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions relating to the drainage of new buildings.

Reconstruc-
tion of
drains.

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

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

Corporation
to make
communica-
tion between
drains and
sewers.

160. In the case of hat works dye works bleach works print works soap works sizeing house gas works foundries chemical works tanneries breweries or other mills or manufactories which may be lawfully connected with the sewers of the Corporation the drains shall be intercepted by a tank to be constructed upon the premises and at the expense of the owner and in such situation and of such dimensions and with such strainers as the Corporation may from time to time and in each case determine.

Intercepting
tanks for
manufac-
tories.

A.D. 1909.

PART XIII.

SANITARY PROVISIONS.

Byelaws as to water-closets &c.

161. The Corporation may make byelaws with respect to waterclosets and may by such byelaws prescribe the description or nature size materials position and level thereof and of the apparatus for and the manner of flushing the same and the means to be provided for protecting the same from frost.

Improper construction or repair of watercloset or drain.

162. If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful damage to drains waterclosets &c.

163.—(1) No person shall cause any drain watercloset earth-closet privy ashpit or dustbin 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.

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

(3) 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.

As to conversion and type of privies &c.

164 The Corporation may from time to time require the owner of any premises in the borough to convert any privy or ash-place therein or connected therewith so that the same

shall accord with a pattern of privy or ash-place approved by the Corporation. Provided that where the Corporation under this section require the alteration or removal of any privy or ash-place previously approved of by them or which has been constructed on any system approved of by them all expenses of such alteration or removal shall be paid by the Corporation. A.D. 1909.

165. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins 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 for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable size and construction and in proper order and condition. Regulation
dustbins.

166. If any trade refuse or any building or other materials or rubbish of a like description be deposited in any water-closet privy cesspool dustbin ashpit or ashtub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered summarily. Charge for
emptying
privies of
trade refuse.

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

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

168.—(1) Every pipe from any slop-stone bath or basin in a building shall where practicable be carried through the Pipes from
slop-stones
to be dis-

A.D. 1909.
connected
from sewers.

external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains shall be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Corporation.

Sanitary
conveniences
for workmen
engaged on
buildings.

169.—(1) The contractor or builder engaged in or upon the construction reconstruction or structural alteration of any building in the borough shall provide to the reasonable satisfaction of the Corporation and maintain until the completion of any such work or operation water or other closets and urinals sufficient for the use of the persons employed by him in such building.

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

Defining
establishing
of a new
business.

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

171. For the purpose of enabling the medical officer of health or inspector of nuisances to effectually inspect and examine under the provisions of section 116 of the Public Health Act 1875 any article sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough and intended for the food of man such medical officer of health or inspector of nuisances may subject to the provisions of section 308 of the Public Health Act 1875 open any box or other receptacle in which any such article may be contained and any person who shall obstruct any such officer or inspector in the execution of this section shall be liable to a penalty not exceeding ten pounds.

A.D. 1909.
Power to medical officer of health and inspector of nuisances to open boxes &c. containing provisions.

172. The Corporation may appoint and pay as many inspectors of nuisances as may in their judgment be necessary for the proper execution of the provisions of the Public Health Acts and the Corporation Acts.

Appoint- ment of in- spectors of nuisances.

PART XIV.

MILK SUPPLY (TUBERCULOSIS).

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

Penalty for selling milk of diseased cows.

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

Penalty on failing to isolate diseased cows.

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

Obligation to notify cases of tuberculosis.

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

A.D. 1909.

Power to
take samples
of milk.

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

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

Power to in-
spect cows
and to take
samples of
milk.

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

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

(C) If the medical officer has reason to believe that milk from any dairy situate outside the borough from which milk is being sold or suffered to be sold or used within the borough is likely to cause tuberculosis in persons residing within the borough the powers conferred by this section may in all

respects be exercised in the case of such dairy Provided that A.D. 1909.
the medical officer or other authorised person shall first have
obtained from a justice having jurisdiction in the place where
the dairy is situate an order authorising such entry and
inspection which order any such justice is hereby empowered
to make.

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

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

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

(G) If any person after any such order has been made supplies any milk within the borough in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

178. The dairyman may appeal against an order of the Corporation made under the last preceding section or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the borough or at his option if the dairy is situate outside the Appeal.

A.D. 1909. borough to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal. The officer shall fix a time and place of hearing within the borough and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing. The said officer shall for the purposes of the appeal have all the powers of a petty sessional court.

The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal.

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

Compensation to dairymen.

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

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

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture and Fisheries or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

180. The provisions of section 34 of the Contagious Diseases (Animals) Act 1878. and of the Dairies Cowsheds and Milkshops Order 1885 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds and milkshops and of any regulations made or to be made by the Corporation under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the borough for the reception measurement storage or delivery of milk by persons selling milk by retail in the street.

A.D. 1909.

Provision as to retailers of milk.

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

Procedure.

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

As to expenses.

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

Execution of this Part of Act by committee.

PART XV.

ICE CREAM.

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

For regulating manufacture and sale of ice cream &c.

- (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

A.D. 1909.

or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

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

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

shall be liable to a penalty not exceeding forty shillings.

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

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

Inspection of premises of dealer in ice cream.

185.—(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.

(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.

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

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

PART XVI.

SMOKE PREVENTION.

187. If any engine-worker stoker or other person having the care or management of any steam engine (not being a locomotive engine used on the railway of any company incorporated by Act of Parliament) or furnace used for the purposes of any trade business or operation other than those to which the provisions of section 334 of the Public Health Act 1875 are declared not to extend at any time uses or manages any such steam engine or furnace so that the smoke arising therefrom is not effectually consumed or burnt so far as having regard to the nature of the trade business or operation carried on may be practicable he shall for every such offence be liable to a penalty not exceeding twenty shillings. Provided that if it is proved before the justices on the hearing of any information against any such engine-worker stoker or other person having the care or management of any such steam engine or furnace that he has carefully attended to the same and caused the smoke arising therefrom to be consumed or burnt so far as the construction of the steam engine or furnace will allow or as having regard to the nature of such trade business or operation may be practicable or in case the defendant on the hearing of any information under this section proves to the justices that the act complained of was committed within ten minutes from the time when the fire was first lighted in the furnace on the day in question then and in every such case the justices may dismiss the information without proceeding to a conviction. Provided also that one penalty only shall be recoverable for any number of offences by the same person on the same day. Provided that upon the hearing of any charge preferred against any person under this section such person shall be admitted if he think fit but not otherwise to give evidence upon oath with respect to such charge.

Consumption
of smoke by
engines &c.

A.D. 1909.

PART XVII.

COMMON LODGING-HOUSES.

Registration
of common
lodging-
houses and
keepers.

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

(2) (A) The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register or re-register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position:

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

(3) Every person who without being registered in accordance with the Public Health Act 1875 and this Act shall keep a common lodging-house within the borough and every person who after the thirty-first day of December 1909 shall keep a common lodging-house without the registration of such person and of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provisions as
to night
shelters.

189. The provisions of the Public Health Acts and this Act with reference to common lodging-houses shall extend and apply to all night homes refuges shelters and buildings (other than union workhouses) used for the temporary shelter or relief of the poor the destitute and the indigent and wherein such persons are allowed to sleep.

PART XVIII.

RATES.

General
fund.

190.—(1) There shall be established a fund called "the general fund" and an account called "the general fund account" of all moneys carried under the provisions of any general Act of Parliament or of the Corporation Acts to the account of

that fund shall be kept by the treasurer and such moneys shall be applied by the Corporation in defraying such of the expenses chargeable thereon as they may think proper. A.D. 1909.

(2) There shall be paid into the general fund all moneys directed to be so paid under the provisions of any general Act of Parliament or of the Corporation Acts or which are not by such provisions or any of them payable into or to the credit of the borough fund or the borough rate or the sewers rate or a fund or rate other than the general fund or rate.

(3) The general fund shall be applicable to and charged with payments for the following purposes (that is to say):—

For the purpose of defraying all expenses of the Corporation expressly charged thereon by the Corporation Acts;

For the purpose of defraying all expenses incurred and to be incurred by the Corporation under the provisions of any general Act of Parliament or of the Corporation Acts and which are not by such provisions or any of them charged on or payable out of the borough fund or the borough rate or the sewers rate or any fund or rate other than the general fund or rate.

191.—(1) For the purpose of defraying any expenses chargeable on the general fund which that fund is insufficient to meet the Corporation may continue to make and levy and shall from time to time make and levy a rate to be called “the general rate” and the proceeds thereof shall be paid into the general fund. General rate.

(2) The general rate shall be made and levied on the occupiers of all kinds of property for the time being by law assessable to any rate for the relief of the poor and shall (subject to the provisions of this Act) be assessed on the full net annual value of such property ascertained by the valuation list for the time being in force or if there is none by the rate for the relief of the poor made next before the making of the assessment under this section. Provided however that the owners of any of the said property the annual value whereof shall not exceed four pounds or which shall be let to weekly or monthly tenants or in separate apartments shall be rated to the said rate in lieu of the occupiers thereof but such owners shall be entitled to deduct from such assessment the probable average annual cost of the repairs insurance and other expenses if any necessary to maintain the premises in

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a state to command the rents at which the same might reasonably be expected to let from year to year and also a sum not exceeding fifteen pounds per centum on the amount of such rent and the rate at which such deduction shall be made within the limit above mentioned shall be in the discretion of the Corporation according to the circumstances of the case.

Differential rating in general rate in respect to certain property.

192. As regards the general rate the occupier of any land used as arable meadow pasture ground or woodland only or of any stable or building used for purpose of husbandry only or of any land used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed in respect of such property in the proportion of one fourth part only of the net annual value thereof.

Unoccupied premises.

193. The Corporation may include unoccupied premises in any general rate made by them describing the premises in the column of the rate book appropriated to the name of the occupier as "void" and if any person liable to assessment in respect of such premises as occupier to any such rate shall afterwards occupy such premises during any part of the period for which such rate shall have been made the Corporation may insert in such rate the name of such occupier and may collect from him such portion of the rate as shall be proportionate to the time during which he shall so occupy such premises and every such person shall thereupon be deemed to all intents and purposes to be properly rated and such proportion of the rate may be collected and after demand recovered from such person. Provided that any such person whose name shall be so inserted in such rate may appeal against the same to the justices at special sessions or to the general quarter sessions for the borough which shall be available next after such demand.

Compound-
ing of general and poor rates.

194.—(1) The general rate which the Corporation are authorised to make under this Act shall be a rate within the meaning of the Poor Rate Assessment and Collection Act 1869 for the purposes of sections 3 and 4 of such Act and the provisions of those sections accordingly shall apply to any such rate as well as to any poor rates to be levied for and in the township of Bury.

(2) The before-mentioned sections as applied to the said general rate as aforesaid shall be construed and have effect

as if in both of such sections "the Corporation" had been substituted therein for "the vestry" and "the overseers" and the provisions of the said Act as the same apply to the general rate aforesaid and to the poor rates aforesaid respectively shall be construed and have effect in relation to the borough and the said township as if in the said section 3 "four pounds" had been substituted for "eight pounds."

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195. For the purpose of defraying the expenses of the Corporation with respect to the construction and maintenance of sewers (other than main intercepting sewers) whether such sewers be constructed in new streets or otherwise the Corporation may continue to make and levy an equal sewers rate not exceeding six pence in the pound on the owners of all hereditaments by law assessable to any rate for the relief of the poor and such rate shall be assessed on the full net annual value of such hereditaments as ascertained by the valuation list for the time being in force or if there is none by the rate for the relief of the poor made next before the making of the assessment under this section.

Sewers rate.

196. Any rate which the Corporation are authorised to make under this Act may be made and levied prospectively in order to raise money for the payment of future charges and expenses or retrospectively in order to raise money for the payment of charges and expenses which may have been incurred within twelve months before the making of the rate or partly prospectively and partly retrospectively as aforesaid.

Rate may be made prospectively or retrospectively.

197. Notice of the intention to make any rate authorised to be made by the Corporation under this Act and of the time at which the same is intended to be made and of the place where a statement of the proposed rate will be deposited for inspection shall be given by the Corporation by placards to be posted up in some public places and circulated within the borough immediately previous to such rate being made or as nearly as may be and no other notice of the intention to make any such rate or of the making of any rate shall be necessary neither shall it be necessary in any proceedings for levying and recovering such rate to prove that such notice as aforesaid has been given.

Notice of rates made by Corporation.

198. No person shall be rated to any rate laid by the Corporation for or in respect of any church chapel meeting-house or other building exclusively used for public worship

Churches and chapels &c. not to be rated.

A.D. 1909. or any building exclusively used for the gratuitous education of the poor or for the purposes of public charity.

Cessor of
ownership or
occupation.

199. If any owner or occupier assessed or liable to any rate laid by the Corporation ceases to be owner or occupier of the premises in respect whereof he is so assessed or liable before the end of the period for which the rate was made and before the same is fully paid off he shall be liable to pay only such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier and in every such case if any person afterwards becomes owner or occupier of the premises during part of the said period he shall pay such part of the rate as may be in proportion to the time during which he continues to be such owner or occupier and the same shall be recovered from him in the same manner as if he had been originally assessed or liable.

Inspection of
poor rate
books for
assessment
purposes.

200.—(1) For the purpose of assessing any rate to be laid by the Corporation any person appointed for the purpose may inspect take copies of or make extracts from any valuation list or rate for the relief of the poor within the borough or any book relating to the same.

(2) Any officer having the custody of any such rate or book who refuses to permit such inspection or the taking of such copies or extracts shall be liable to a penalty not exceeding five pounds.

Estimate to
be prepared
before mak-
ing rates.

201. The Corporation before proceeding to make any rate which they are authorised to make under this Act shall cause an estimate to be prepared of the money required for the purposes in respect of which the rate is to be made showing—

The several sums required for each of such purposes;
and

The rateable value of the property assessable; and

The amount of rate which for those purposes it is necessary to make on each pound of such value:

And the estimate so made shall forthwith after being approved of by the Corporation be entered in the rate book and be kept at their office open to public inspection during office hours thereat but it shall not be deemed part of the rate nor in any respect affect the validity of the same.

202. Any person interested in or assessed to any rate made under this Act may inspect the same and may take copies of or extracts therefrom without fee or reward and any person who having the custody of any such rate refuses to allow or does not permit such inspection or such copies or extracts to be taken shall be liable to a penalty not exceeding five pounds.

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Rates to be open to inspection.

203. Where the name of any owner or occupier liable to be rated under this Act is not known to the Corporation it shall be sufficient to assess and designate him in the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made without further description.

Description of owner or occupier in rates.

204. The Corporation may from time to time amend or alter any rate made by virtue of this Act —

Power to Corporation to amend rates.

By making a supplement thereto and by inserting therein the name of any person who ought to have been assessed and rated or who ought to be assessed and rated at the time of the making of such supplement or by striking out the name of any person who ought not to have been assessed or rated or by raising or reducing during the currency of a rate and either for the whole or part of the period of such currency the sum at which any person shall have been assessed or rated if it shall appear to them that such person has been under assessed or rated or over assessed or rated;

By altering the description of the tenement in respect of which any person is assessed or rated and in respect of which the rate has not been paid;

By inserting the description of any new tenement in respect of which any person ought to be assessed and rated.

Every such supplement alteration or insertion when made shall operate as if it had been part of the original rate and any person aggrieved thereby shall have the same right of appeal therefrom as he would have had if the supplement or matter of amendment or alteration had appeared on the rate originally made and as respects such person the rate shall be considered to have been made at the time when he received notice of such amendment.

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Discount in
rates.

205. The Corporation may from time to time if they think fit make or authorise an allowance by way of discount not exceeding the rate of five pounds per centum on the amount due in respect of any rate made by the Corporation for every person who pays the same within such period as the Corporation think fit to prescribe in that behalf.

Collection of
rates.

206. All rates made or collected under this Act shall commence and be payable at such time or times and shall be made in such manner and form and for such period and be collected by such persons as the Corporation may from time to time appoint.

Books to be
evidence.

207. The books of the Corporation and all entries duly made therein shall be received as evidence of rates imposed by virtue of this Act.

Power to
reduce or
remit rates.

208. The Corporation may reduce or remit the payment of any rate made under this Act on account of the poverty or sickness of any person liable to the payment thereof.

As to re-
covery from
occupier of
rates due
from owner.

209.—(1) When the owner of any rateable property shall have been rated in respect thereof and the rate shall remain unpaid for the space of three months it shall be lawful for the Corporation or their collector to recover the amount of such rate from the occupier of such rateable property by the same means as the same might have been recovered if such occupier had been rated thereto. Provided always that no occupier shall be required to pay nor shall his goods and chattels be distrained for any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate or which shall after such demand and notice not to pay the same to his landlord at any time accrue and become payable by him unless he shall refuse on application being made to him for that purpose by or on behalf of the Corporation truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded from any such occupier is greater than the rent which was due by him at the time of such notice or which shall have since accrued shall lie upon such occupier.

(2) If the amount of any rate which under the provisions of this Act ought to be borne and paid by the owner of any rateable property shall be paid by the occupier of such property

or levied on his goods and chattels then the person who shall be the owner of such property at the time of such payment or levy shall reimburse the occupier and it shall be lawful for such occupier to deduct the sums paid or levied together with the costs of the distress (if any) paid by him from any rent due or to become due from him in respect of such property and the payment shall be a good and sufficient discharge to such occupier against such owner for so much money as he shall have paid in the manner directed by this Act or shall have sustained the loss of by reason of any distress made under this Act or such occupier may recover the same from such owner by action of debt or on the case to be brought in any of the superior courts or in any court whatsoever.

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210. If any person fails to pay on demand the amount due by him in respect of any rate made under this Act the Corporation may recover the amount with costs and expenses by proceeding in any court of competent jurisdiction or any justice may on the application of the Corporation summon such person to appear before a court of summary jurisdiction at the time mentioned in the summons to show cause why the rate due from him should not be paid and if on the appearance of such person or in default of appearance after proof of service of the summons either personally or at the last known place of abode or business of such person sufficient cause for the non-payment of such rate is not shown the same with such costs as to the said court seem reasonable may be levied by distress and the said court may issue its warrant accordingly.

Rates may
be recovered
by action or
distress.

211.—(1) If any person thinks himself aggrieved by any rate or assessment made under the provisions of this Act he may appeal therefrom at his discretion either to the justices of the peace for the borough at the next practicable special sessions for hearing appeals against rates for the relief of the poor or to the next practicable quarter sessions for the county of Lancaster under and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such justice unless seven days' notice in writing of such appeal and of the ground thereof be given to the Corporation by the appellant or unless in the case of any railway company the said notice be given within one month after the amount of the rate against which it is desired to appeal shall have been demanded from the company and any

Appeal
against rates.

A.D. 1909. such demand shall be sufficient if made by letter addressed and sent by post to the secretary of the company.

(2) On appeals under this Act against any rate the court to which such appeal shall be made shall have the same power to amend or quash any rate or assessment and to award costs between the parties to the appeal as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment or awarding costs on appeals with respect to rates for the relief of the poor and the costs awarded by the said court under this Act may be recovered in the same manner in all respects as costs awarded on the last-mentioned appeals. Provided that notwithstanding the quashing of any rate appealed against all moneys charged by such rate shall if the said court think fit so to order be levied as if no appeal had been made and such moneys when paid shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made.

Provisions
with regard
to special
rating dis-
tricts.

212.—(1) With respect to so much of the borough as is described in the Tenth Schedule to this Act (in this section referred to “as the special rating districts”) the following provisions shall have effect:—

- (A) The special rating districts shall not be charged or chargeable with any portion of the debt of the Corporation existing at the passing of the Bury Improvement Act 1885 including the debts then due from the Corporation on account of their gas undertaking nor with any debt created under the powers of the said Act and no rates shall be made and levied in the special rating districts in respect of or on account of any such debts:
- (B) For the purposes of gas supply the special rating districts shall be treated as if they were still outside the borough and all persons supplied with gas within the special rating districts shall be charged and shall pay for gas on the same terms and conditions as persons outside the borough but within the gas limits of the Corporation and any charges proposed to be levied in extending lighting in any special rating district shall upon the petition of any owner or ratepayer be subject to the approval of the Board. The provisions with respect to the

extinguishing of fires beyond the limits of the borough and the charges to be made therefor shall apply to the special rating districts :

- (c) All persons within the area of any special rating district burying their dead at the borough cemetery shall pay such charges as persons outside the borough now pay for burying at the borough cemetery :
- (d) The special rating districts shall comprise the several areas described in the Tenth Schedule to this Act and shall respectively be called by the names mentioned in the said schedule. No rate (subject as in this section herein-after provided) shall be made and levied within any of the said special rating districts in excess of the average amount of the rates (other than poor rates) made and levied in the township of which such rating district then formed part during a period of five years immediately before the passing of the Bury Improvement Act 1885 except for the purposes and to the extent in this section herein-after set forth :
- (e) In addition to the average amount of the rates to be levied and paid under the last preceding subsection each special rating district shall be rated for all expenses incurred or payable by the Corporation for lighting and scavenging (other than roads) that particular special rating district and for all sewers sewerage and other works executed by the Corporation for sanitary purposes in that particular special rating district and for the proportion of any deficiency of the Bury and District Joint Water Board apportioned to that particular special rating district in accordance with the provisions of the Bury and District Water (Transfer) Act 1900 :
- (f) Each special rating district shall be rated for and in respect of all expenses incurred or payable by the Corporation for works executed for sanitary purposes common to that part of the borough not comprising the special rating districts (herein-after in this section referred to as "the remainder of the borough") and any of the special rating districts or common to two or more of such districts or to

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prevent any interference with the due flow within the same of any river brook stream or watercourse or to prevent the pollution of any such river brook stream or watercourse :

(G) When any expenditure is incurred for sanitary purposes common to the remainder of the borough and any of the special rating districts or common to two or more of such districts the Corporation may apportion the same in such manner as they deem equitable :

(H) If any question arise between the Corporation and any owner or ratepayer whether any such expenditure be an expenditure incurred for purposes common to the remainder of the borough and any of the special rating districts or common to two or more of such districts and whether such expenditure be reasonable and whether such apportionment be equitable such questions shall be submitted in writing by the Corporation or by such owner or ratepayer for the decision of the Board who may after inquiring thereinto make such order in the matter as they deem equitable and the order so made shall be binding and conclusive on all parties and the costs of and attending the determination of such questions (including any expenses incurred by the Board in relation to any inquiries under this section 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) shall be in the discretion of the Board :

(I) The several provisions of this Act with respect to the making assessing levying collecting and recovering of the general rate and the sewer rate shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the rates to be levied under this section.

(2) The Corporation at any time or not less than one fifth in number and value of the ratepayers for the time being of any one of the special rating districts within two years from the passing of this Act may represent in writing to the Board that the alteration or amendment in the manner set out in

the representation or the repeal of the provisions of this section as affecting any or all of the special rating districts as set out therein in the case of representation by the Corporation or as affecting the particular district in the case of representation as aforesaid by the ratepayers thereof is desirable and thereupon the Board shall unless for special reasons they think the representation ought not to be entertained cause to be made a local inquiry and after such inquiry shall have been held they may make an order for the proposal contained in such representation or for such other proposal amendment or alteration as they may deem expedient or may refuse such order and sections 297 and 298 of the Public Health Act 1875 (which relate to the making of Provisional Orders by the Board) shall apply for the purposes of this section as if they were herein re-enacted and in terms made applicable thereto.

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213. The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the township of Bury in the discharge of their duties and fix the remuneration to be paid to such officers.

Assistants to overseers.

214. All officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of the overseers and any assistant overseer appointed by the Corporation shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Board shall report thereon annually to the Corporation and such securities shall be deposited with the town clerk and not with the board of guardians Assistant overseers appointed by the Corporation shall not be required to give security to the guardians of the union under section 61 of the Poor Law Amendment Act 1844.

Assistant overseer and others to give security to Corporation.

215. For the better and more effectually carrying into execution the powers and duties of the Corporation under the Public Libraries Acts 1892 to 1901 those Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be levied by or added to a rate were extended so as not to exceed the sum of threepence in the pound Provided nevertheless the Corporation shall not levy any rate under the said Acts beyond the maximum rate fixed

Limit of library rate extended.

A.D. 1909. by the said Act of 1892 except to meet expenditure incurred or to be incurred on capital account for the purposes of the said Acts.

PART XIX.

FINANCIAL PROVISIONS.

Borrowing
powers of
Corporation.

216.—(1) The Corporation may borrow at interest for the purpose of paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

(2) The moneys set out in column 8 of the Eleventh Schedule to this Act and so much of the moneys set out in column 10 of the said schedule (if any) as shall have been borrowed between the thirty-first day of March 1909 and the commencement of this Act shall (notwithstanding that the statutory borrowing power under which such moneys shall have been borrowed may have been repealed by this Act) continue and the same are hereby declared to be moneys borrowed under a statutory borrowing power as fully as if such borrowing had been authorised and made under the provisions of this Act and the Corporation are hereby authorised from time to time independently of any other borrowing power to borrow (so far as the same have not been borrowed) at interest (subject to the provisions of the Corporation Acts) and for the several purposes in such Eleventh Schedule respectively mentioned the amounts of the moneys respectively set out in column 10 of the several parts of the said schedule.

(3) The powers of borrowing moneys by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any of the moneys the subject of the last preceding subsection of this section (other than so much thereof as was originally authorised to be borrowed under the powers and provisions of such Act) and any other moneys borrowed under this Act shall not be reckoned.

(4) The before-mentioned moneys shall be primarily chargeable as follows (that is to say):—

(A) The moneys set out in Part I. of the said schedule on the revenue of the gasworks undertaking:

(B) The moneys set out in Part II. of the said schedule on the revenue of the tramways undertaking:

- (c) The moneys set out in Part III. of the said schedule on the revenue of the electricity undertaking: A.D. 1909.
- (d) The moneys set out in Part IV. of the said schedule on the revenue of the markets undertaking:
- (e) The moneys set out in Part V. of the said schedule and the moneys which by subsection (1) of this section the Corporation are authorised to borrow on the borough fund and borough rate:
- (f) The moneys set out in Part VI. of the said schedule on the general fund and general rate:
- (g) The moneys set out in Part VII. of the said schedule on the sewers rate.

(5) In addition to the moneys which the Corporation are by the foregoing provisions of this section authorised to borrow they may borrow such sums of money for tramway purposes as the Board of Trade may sanction and such sums of money for any other purposes mentioned in the said schedule or in this Act as the Board may sanction and any moneys borrowed under any such sanction shall be primarily chargeable on the revenue fund or rate to which moneys in respect of the purpose for which such further sums of money shall be sanctioned shall be chargeable and shall be repaid by the Corporation within the periods sanctioned by the said Boards respectively.

217. All the provisions subsisting at the passing of this Act prescribing the time at which or the method by which any of the moneys the subject of the provisions of subsection (2) of the section of this Act the marginal note of which is "Borrowing powers of Corporation" shall be repaid shall be as regards the said moneys repealed. Repeal as to repayment of borrowed moneys.

218. The Corporation shall provide for the repayment of the moneys borrowed under their statutory borrowing powers within the following periods (herein-after in this Act referred to as "the prescribed periods") (that is to say):— Periods for repayment of borrowed moneys.

- (A) As to moneys borrowed for the purpose (1) mentioned in the section of this Act of which the marginal note is "Borrowing powers of Corporation" within seven years from the date of the passing of this Act:
- (B) The several amounts which at the passing of this Act shall be outstanding in respect of the moneys

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mentioned in the Eleventh Schedule of this Act and the several amounts mentioned therein which shall hereafter be borrowed under the powers of this Act within the periods set out respectively in column 11 of the said schedule :

- (c) The moneys (if any) borrowed before the thirty-first day of March one thousand nine hundred and nine and not mentioned in the Eleventh Schedule of this Act and all moneys borrowed or to be borrowed after the said date within the periods respectively prescribed therefor by the statutory borrowing powers respectively authorising the before-mentioned moneys to be borrowed.

Mode of raising moneys.

219. The Corporation may raise all or any moneys which for the time being they may be authorised to borrow or re-borrow by mortgage or by the creation and issue of adequate amounts of Bury Corporation redeemable stock subject and according to the provisions of the Corporation Acts.

Application of moneys borrowed.

220. All moneys borrowed by the Corporation under any statutory borrowing power shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is proper applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund ~~or into the~~ loans fund as the case may be or shall be applied in such ~~manner~~ as the Corporation with the approval of the Board determine.

Security for principal moneys.

221. All principal moneys shall be and the same are by virtue of this Act charged indifferently upon the lands and estates the gas and other the undertakings of the Corporation and upon all the revenues of the Corporation and the interest for the time being payable on any such principal moneys shall rank equally with the interest or dividends on all other securities of the Corporation created or granted in pursuance of any statutory borrowing power and such interest and dividends shall be the first charge on all the lands and estates the gas and other the undertakings of the Corporation and upon all the revenues of the Corporation.

Interest fund for principal moneys.

222.—(1) For payment of interest on the principal moneys there shall be established and formed a fund called "the interest fund."

(2) In each year the Corporation shall pay into the interest fund a sum or sums equal to the aggregate amount of interest payable in that year on the principal moneys. A.D. 1909.

(3) The amount of such sum or sums in the case of principal moneys in respect of which provision for repayment is made by the payment of equal annual instalments of principal or of principal and interest combined shall be the amount provided by the bond or mortgage creating the charge and in the case of principal moneys in respect of which provision for repayment is made by means of a sinking fund shall be the amount ascertained to be required in that behalf by apportionment of the aggregate amount of interest payable on such last-mentioned principal moneys among the several revenues of the Corporation according to the respective amounts of those principal moneys the interest whereon is properly payable out of such revenues respectively.

223. The Corporation shall from time to time apply the interest fund in paying the interest on the principal moneys. Application of interest fund.

224. As parts of the general account of the interest fund the Corporation shall keep separate accounts distinguishing and showing in relation to each undertaking or purpose for or in respect of which any of the principal moneys are borrowed by them all moneys paid into the interest fund from the revenues of the Corporation in respect of the interest on the several amounts of the principal moneys chargeable to that undertaking or purpose. Account of interest fund.

225. The Corporation shall pay off any principal moneys 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 these methods and partly by another or others of them. Mode of payment off of money borrowed.

226.--(1) In case the Corporation decide to repay any of the principal moneys by means of a sinking fund they shall each year throughout the prescribed periods respectively pay to such fund a sum or sums equal to the aggregate amount of all sums payable in that year for the purpose of providing within the prescribed periods respectively sums equal in amount to the respective amounts of the principal moneys for the repayment of which the fund is established. Method of repayment of principal moneys.

A.D. 1909.

(2) The yearly sums to be paid into the fund in respect of each amount of the principal moneys for the repayment of which the fund is established shall be either—

(A) The equal annual sum which if accumulated at compound interest at a rate not exceeding three pounds per centum per annum (or such higher rate as may be approved by the Board) would be sufficient after payment of all expenses to repay that amount in the prescribed period and accumulations of the said equal annual sums at compound interest at the rate per centum on which the said equal annual sum is calculated; or

(B) The equal annual sum which if continued throughout the prescribed period would be sufficient without accumulations to repay that amount within the prescribed period.

The said yearly payments in respect of each amount of the principal moneys shall be continued throughout the prescribed period.

(3) If it appears to the Board at any time that the said several yearly sum or sums as aforesaid or any of them are insufficient to provide within the prescribed periods sums equal in amount to the amount of the principal moneys in respect of which such yearly sum or sums respectively are paid the amount of such yearly sum or sums shall be increased to such extent as the Board may determine and the Corporation with the consent of the Board may at any time reduce such yearly sum or sums either temporarily or permanently in any case in which it appears to the Board that such yearly sum or sums would if maintained be more than sufficient to provide within the prescribed period a sum equal in amount to the amount of the principal moneys in respect of which such yearly sum or sums are required to be paid and if the amount paid into the sinking fund at any time in respect of any particular amount of the principal moneys is in the opinion of the Board sufficient with the accumulations to arise thereon (if any) to provide within the prescribed period a sum equal in amount to the amount of such principal moneys the Corporation with the consent of the Board may discontinue the payment of the yearly sum or sums to the sinking fund in respect of that amount of the principal moneys.

A.D. 1909.

(4) All moneys which on the thirty-first day of March one thousand nine hundred and nine are standing to the credit of any sinking fund in respect of principal moneys and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

227. Unless the Board otherwise direct the Corporation shall pay into the sinking fund and then shall carry to the proper separate account forming part of the general account of the sinking fund all such money being capital or in the nature of capital and not being wholly or in part otherwise appropriated or required to be otherwise applied as shall arise from any sale lease or other disposition of land or other property of the Corporation in respect of or for which any of the principal moneys have been borrowed and as shall arise from any other source.

Payment of
sale money
&c. to sink-
ing fund.

228.—(1) As part of the general account of the sinking fund the Corporation shall keep—

Account of
sinking fund.

- (A) An account showing the securities on which all sums paid into the sinking fund are from time to time invested; and
- (B) Separate accounts relative to each undertaking or purpose for or in respect of which any principal moneys for the repayment of which the sinking fund is established were borrowed; and
- (C) Separate accounts relative to such last-mentioned principal moneys in respect of each statutory borrowing power so exercised.

(2) The said separate accounts shall distinguish and show—

- (D) The amounts of principal moneys outstanding for the time being chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to that undertaking or purpose; and
- (E) The several amounts of principal moneys discharged by application of the sinking fund.

A.D. 1909.

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

- (F) All money being capital or in the nature of capital paid into the sinking fund and in the judgment of the Corporation properly attributable to that undertaking or purpose; and
- (G) All money and securities transferred to the sinking fund as having formed part of any other sinking fund; and
- (H) All money paid into the sinking fund as contributions from the revenues of the Corporation in respect of the discharge of those several amounts of principal moneys.

Application
of sinking
fund.

229. The Corporation may at any time apply the whole or any part of the sinking fund as follows:—

- (1) In or towards the discharge of the principal moneys or any of them for the repayment of which the fund is established provided that the yearly sums to be paid to the fund shall not be affected by such application:
- (2) 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 any money for the time being forming part of the sinking fund and moneys so raised shall for the purposes of this Act be deemed to be moneys borrowed under a statutory borrowing power Provided that when exercising this power the Corporation 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 account or accounts in the sinking fund as the Corporation may determine 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 amounts so credited shall be deemed to be principal moneys discharged by application of such sinking fund under subsection (1) of this section; A.D. 1909.

(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 the 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 this Part of this Act as to repayment and reborrowing shall apply thereto accordingly :

- (3) When any of the principal moneys are discharged by the application of any part of the sinking fund the principal moneys so discharged shall be deemed to be in respect of such one or more of the statutory borrowing powers under which the principal moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Corporation shall determine Provided that the amount of the principal moneys deemed to be discharged in respect of any statutory borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

230. Pending or in default of any such application of the sinking fund as in the last preceding section of this Act provided the Corporation shall invest the same in any statutory security and the dividends income and annual proceeds thereof may be applied towards paying the yearly sums required to be paid to the sinking fund under the section of this Act the marginal note whereof is "Method of repayment of principal moneys." Investment of sinking fund.

231.—(1) The yearly sum or sums to be provided for the interest and sinking funds respectively under the provisions of this Part of this Act to be established shall be provided by contributions from the several revenues of the Corporation Payments to interest and sinking funds how to be provided.

A.D. 1909. (if any) specially made liable to provide the same by or under any statutory borrowing power or by any resolution of the Corporation having reference to the respective borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several revenues out of which the respective contributions would be properly payable and in default thereof or subject thereto out of the borough fund and borough rate or out of the general fund and general rate as the Corporation having regard to the provisions of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(2) The Corporation shall from time to time in order to raise the amounts of the several contributions as aforesaid out of their several revenues do all such acts exercise all such powers collect all such moneys and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purpose of or in relation to the respective statutory borrowing power in exercise whereof the several principal moneys are raised.

Determina-
tion as to
charge of
moneys.

232. For the purposes of any contribution or account under this Part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any principal moneys were borrowed may from time to time by resolution with the approval of the Board determine and declare on which of the Corporation revenues any of such moneys is or shall be deemed to be primarily or collaterally charged or determine and declare that any such moneys and the interest thereon shall be apportioned as regards the charge thereof between or among any of the Corporation revenues and every such determination and declaration shall be effectual to all intents.

Power to
reborrow.

233. The Corporation shall except as herein-after provided have power to reborrow for the purpose of paying off any principal moneys 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 reborrowing and which at the time of the repayment it was intended to reborrow Provided that the Corporation shall not have power to reborrow in respect of any principal moneys repaid by instalments or annual payments or discharged by

means of the 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 principal moneys reborrowed shall be deemed to form the same loan as the money in respect of the repayment of which the reborrowing has been made and shall be repaid within the prescribed period. A.D. 1909.

234.—(1) If at any time any principal money or interest shall remain unpaid for six months after the same shall have accrued due and after demand thereof in writing by the person entitled thereto such person may apply to the High Court for a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds or unless a joint application is made by two or more mortgagees or other persons to whom there may be due after such lapse of time and demand as last aforesaid moneys collectively amounting to that sum. Receiver in case of unpaid principal money or interest.

(2) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under the Corporation Acts and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for purposes of the Corporation Acts.

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

235. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall 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 Corporation not to regard trusts.

A.D. 1909. notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Protection
of lender
from inquiry.

236. A person lending any principal moneys to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or of the conditions attaching to the statutory borrowing power under which the money is borrowed 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.

Saving for
power to
sell lands &c.

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

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

Provision as
to mort-
gages.

238.—(1) The forms of mortgage and transfer of mortgage respectively contained in the Twelfth Schedule to this Act or forms to the like effect varied as circumstances may require may be used and shall be sufficient for the purposes of this section.

(2) Subject to the provisions of this Act as regards the form of mortgage and transfer of mortgages—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages); and

Section 238 (Transfer of mortgages)

of the Public Health Act 1875 shall apply with the necessary modifications to all mortgages granted by the Corporation.

239.—(1) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this Part of this Act the Corporation may by resolution of the council exercise the same by the creation of redeemable stock to be from time to time issued for such amount within the limit of the power [at such price to bear such half-yearly or other dividends and to be so transferable (that is to say in books or by deed) as the Corporation by the resolution direct.

A.D. 1909.
Creation of
Corporation
stock.

(2) Each resolution for creation of stock shall specify that the stock thereby created is redeemable at the option of the Corporation at par after the expiration of such period not exceeding sixty years from the date of creation as shall be fixed by such resolution.

(3) Stock so created shall be designated by the Corporation as Bury Corporation Redeemable Stock with the addition if so resolved by the Corporation of descriptive particulars as to dividend or the like.

240. The Corporation may revoke at any time in whole or in part any resolution as aforesaid for the creation of Corporation stock theretofore passed by the council if and as far as the same has not been acted on by the issue of stock thereunder.

Saving for
power of re-
vocation of
creation of
stock.

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

Borrowing
power to be
exercisable
for actual
sum raisable
and to in-
clude ex-
penses of
issue of
stock.

(2) The expenses incurred or to be incurred by the Corporation in or about the creation and issue of any amount of Corporation stock so far as the same are properly chargeable to capital shall be deemed money raisable by virtue of and under but by way of addition to the amount authorised by the

A.D. 1909. statutory borrowing power in exercise whereof the amount of stock has been or shall be issued.

Charge of Corporation stock.

242.—(1) All Corporation stock for the time being issued and the dividends thereon shall be and the same are by virtue of this Act charged indifferently upon the lands and estates the gas and other the undertakings of the Corporation and upon all the revenues of the Corporation.

(2) The dividends for the time being payable on all Corporation stock shall rank equally with the interest on all other securities of the Corporation created or granted in pursuance of any statutory borrowing power and the same dividends and interest shall be the first charge upon the lands and estates the gas and other the undertakings of the Corporation and upon all the revenues of the Corporation.

Establishment of consolidated loans fund.

243. For payment of dividends in respect of each class of Corporation stock and for redemption and extinction or purchase and extinction of such stock there shall be established and formed a fund called "the Bury Corporation Consolidated Loans Fund" with the addition of a distinguishing number as regards each fund so established and formed and each fund so established and formed is in this Part of this Act referred to as "the loans fund."

Contributions to loans fund for dividends.

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

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

out of the general fund and general rate as the Corporation having regard to the provisions of this Part of this Act and to the objects for which the statutory borrowing power was exercised may consider equitable.

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

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

Contributions to loans fund for extinction of stock.

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

(3) The amount of the contribution payable in respect of any portion of Corporation stock (subject to any payment authorised by this Act in reduction of that amount) shall be such sum as will with accumulations at compound interest at a rate not exceeding three pounds per centum per annum (or such

A.D. 1909. higher rate as may be approved by the Board) be sufficient after payment of all expenses to purchase the amount of stock at par within the period within which under the statutory borrowing power the money represented by the amount of stock is to be repaid.

(4) The Corporation shall from time to time by investment on statutory securities of the sums paid into the loans fund in respect of those several contributions or of proper parts thereof and by like investment of the interest and annual proceeds arising from those securities make and maintain such accumulations as are in this section referred to.

(5)—(A) If before the expiration of the prescribed period the Corporation apply a part of the loans fund in the redemption or purchase and extinction of stock then a sum equal to the interest which the part of the loans fund so applied would have produced at the rate per centum on which the payments to the loans fund are calculated shall in each year until the expiration of the prescribed period be paid into the loans fund out of the revenues of the Corporation chargeable with payment of the contributions to the loans fund in respect of the amount of stock so redeemed or purchased and extinguished. Provided that if any amount of stock extinguished by application of part of the loans fund as aforesaid is purchased by the Corporation at a rate exceeding one hundred pounds sterling for an amount of stock of the nominal value of one hundred pounds the interest payable into the loans fund under this section shall be calculated as if only one hundred pounds sterling had been applied out of the loans fund for each amount of stock of the nominal value of one hundred pounds which may have been purchased and the Corporation shall pay into the loans fund during the year in which the purchase is made an additional sum or sums equal in amount to the sum or sums paid in excess of the said rate for the purchase of stock in that year and the additional sum or sums shall be paid out of the revenues of the Corporation chargeable with the payment of the contributions to the loans fund in respect of that amount of stock:

(B) When the Corporation redeem or purchase and extinguish stock by the application of any part of the loans fund the stock so redeemed or purchased and extinguished shall be deemed to be stock issued in respect of such one or more of the statutory borrowing powers exercised by the issue of stock and if in respect of more than one in such

proportions as the Corporation shall direct Provided that no larger amount of stock shall be redeemed or purchased and extinguished in respect of any statutory borrowing power than the amount which according to the actual price of redemption or purchase could be redeemed or purchased with the contributions paid into the loans fund in respect of that borrowing power and the accumulations (if any) thereon applicable to the extinction of stock.

(6)—(A) If it appears to the Corporation at any time that the contributions which are being made to the loans fund will not be sufficient to redeem or to purchase and extinguish the amount of Corporation stock in respect of which the said contributions are made within the prescribed period the amount of those contributions shall be increased to such extent as will be sufficient for that purpose and the amount of any such increased contributions shall be paid out of the revenues of the Corporation chargeable with the payment of the contributions Provided that if it appears to the Board that any such increase is necessary the Corporation shall increase the contributions to such extent as the Board may direct :

(B) The Corporation with the consent of the Board may at any time reduce the contributions to be made to the loans fund as aforesaid either temporarily or permanently in any case in which it appears to the Board that the said contributions would if maintained be more than sufficient to redeem or to purchase and extinguish the amount of Corporation stock in respect of which those contributions are made within the prescribed period :

(c) If the amount in the loans fund at any time is in the opinion of the Board sufficient with accumulations to redeem or to purchase and extinguish any amount of Corporation stock within the prescribed period the Corporation with the consent of the Board may discontinue the payment of contributions to the loans fund in respect of that amount of stock :

(D) If it appears to the Corporation at any time that the amount in the loans fund to the credit of any loan together with the probable accumulations thereof will be more than sufficient to provide for the redemption and extinction of the amount of stock outstanding in respect of the loan within the prescribed period the Corporation with the consent of

A.D. 1909. the Board may transfer a part of the amount in the loans fund to an account of the loans fund relating to some other loan or may apply any income from the said amount in the loans fund in excess of the amount which will be sufficient to provide for the redemption and extinction of the stock as aforesaid towards the payment of dividends upon the stock outstanding in respect of the loan or upon stock outstanding in respect of any other loan:

(E) Any surplus of the loans fund remaining after the redemption or purchase and extinction of the whole of the stock to the redemption of which the fund is applicable shall be applied to such purpose or purposes as the Corporation with the consent of the Board may determine.

Raising of
contribu-
tions to
loans fund.

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

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

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

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

247.—(1) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being

capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation or as shall arise from any other source :

Any sums paid into the loans fund in pursuance of this subsection shall be invested in statutory securities and accumulated as the sums paid into the loans fund in respect of contributions under the section of this Act of which the marginal note is "Contributions to loans fund for extinction of stock" are required to be invested and accumulated.

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

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

248.—(1) The Corporation shall from time to time apply the loans fund first in paying the dividends on the Corporation stock in respect of which the loans fund is established and next in redeeming the Corporation stock in respect of which the loans fund is established according to the terms of issue and purchasing for extinction such Corporation stock.

Application
of loans
fund.

(2) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose the Corporation instead of exercising such borrowing power by the creation and issue of additional Corporation stock may exercise the said power either wholly or partially by using for such purpose any money for the time being forming part of the loans fund and not required for the payment of dividends on Corporation stock.

A.D. 1909.

(3) The Corporation when exercising the power conferred on them by subsection (2) of this section shall—

- (A) Withdraw from the loans fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys in the loans fund and shall determine from which account in the loans fund having amounts to its credit the said sum shall be deemed to be withdrawn;
- (B) Transfer stock at par value equal to the sum withdrawn from the loans fund from the last-named account to the account in respect of which the borrowing power is exercised.

(4) The provisions of this Act shall apply to the moneys used from the loans fund and to the stock so transferred as aforesaid as though such moneys had been raised by the issue of further stock and to such transferred stock as though it were stock issued at the date of the transfer.

(5) On every transfer of stock as aforesaid when the whole amount of stock standing to the debit of the particular account is not transferred the amounts payable to the loans fund in respect of the stock not transferred shall be such as the Board approve.

(6) In case the Corporation use the loans fund money and transfer stock in respect thereof as aforesaid the original loan shall pro tanto be deemed to have been paid off as if the amount of stock transferred had been redeemed out of the loans fund.

(7) The Corporation shall render to the Board all such information (if any) as the Board may require by reason of the exercise by the Corporation of the powers of this section.

Extinction
of stock re-
deemed or
purchased.

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

Account of
loans fund.

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

- (A) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock in respect of which the fund is established; and
- (B) Each statutory borrowing power so exercised.
- (2) Those separate accounts shall distinguish and show—
- (c) The portions of Corporation stock for the time being unextinguished and chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to that undertaking or purpose; and
- (D) The amounts of those several portions of Corporation stock redeemed or purchased by means of the loans fund and cancelled and extinguished.
- (3) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—
- (E) All money being capital or in the nature of capital paid into the loans fund and in the judgment of the Corporation properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested; and
- (F) All money from time to time received as interest and annual proceeds of the last-mentioned money and securities; and
- (G) All money from time to time received as rents and profits of any land and other property of the Corporation so as aforesaid acquired and not otherwise appropriated or made applicable; and
- (H) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the last-mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and
- (J) All money paid into the loans fund as contributions from the Corporation revenues in respect of dividends on the several portions of Corporation stock chargeable to that undertaking or purpose; and

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

Application of income in reduction of contributions to loans fund.

251.—(1) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as rents and profits of land and other property of the Corporation or being money paid into the loans fund as interest on cash balances received by the Corporation or being other money paid into the loans fund but not being capital or in the nature of capital the Corporation may deal with the same as in this section provided.

(2) Where any money standing on a separate account in the loans fund and required by this Act to be invested and accumulated produces in any year a sum in excess of that which it would have produced at the rate of interest on which the payments to the loans fund are calculated the Corporation may if they think fit deal with the excess so produced in accordance with the provisions of subsection (3) of this section.

(3) The Corporation may if they think fit from time to time apply the money described in subsection (1) of this section and the excess referred to in subsection (2) of this section to either of the purposes following or partly to one and partly to the other in such proportions as the Corporation from time to time may consider equitable and expedient (that is to say):—

(A) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portion of Corporation stock in relation to which the separate account on which the money or interest and annual proceeds is or are standing is kept:

(B) In reduction of the contributions out of the Corporation revenues payable into the loans fund for redemption or purchase and extinction of that portion of stock.

Determination as to charge of stock.

252. For the purposes of any contribution or account under this Part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any loan of the Corporation was contracted or any Corporation stock was issued may from time to

time determine and declare on which of the Corporation revenues any loan of the Corporation or any portion of Corporation stock is or shall be deemed to be primarily or collaterally charged or determine and declare that any loan of the Corporation or any portion of Corporation stock shall be apportioned as regards the charge thereof between or among any of the Corporation revenues and every such determination and declaration shall be effectual to all intents. A.D. 1909.

253.—(1) Where any mortgage bond debenture debenture stock annuity rentcharge or other security granted or created before or after the passing of this Act by the Corporation under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security. Payment off or substitution for existing securities.

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

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

(4) In every such case of payment off redemption or substitution the Corporation shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of any sinking fund applicable to the discharge of the security and the same (unless forthwith applied in the redemption or purchase or extinction of Corporation stock) shall be invested in statutory securities and accumulated as the sums paid into

A.D. 1909. the loans fund under the provisions of the section of this Act of which the marginal note is "Contributions to loans fund for extinction of stock" are required to be invested and accumulated.

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

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

Extinction
or suspen-
sion of bor-
rowing
power.

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

- (A) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Corporation under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but
- (B) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be re-borrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

255.—(1) The Corporation may from time to time invest temporarily on statutory securities money raised by Corporation stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the loans fund. A.D. 1909.
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Temporary investment of money raised by stock.

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

256.—(1) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with the provisions of this Part of this Act as they think expedient appoint and keep appointed an officer of the Corporation or other person or the Bank of England or any other bank or a banker as registrar for all or any of the purposes of this Part of this Act (in this Part of this Act referred to as “the registrar”). Appoint-
ment of
registrar of
stock.

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

257.—(1) The Corporation or the registrar shall keep books in which shall be entered the names and addresses and descriptions of holders from time to time of Corporation stock and the amounts held by them (in this Part of this Act referred to as “the Corporation stock registers”). Stock registers.

(2) The Corporation stock registers shall be primâ facie evidence of any matter entered therein in accordance with this Part of this Act and of the title of the persons entered therein as holders of stock.

258.—(1) On demand of a holder of Corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof under their common seal specifying the amount of Corporation stock to which he is entitled (in this Part of this Act referred to as “a stock certificate”). Certificates of proprie-
torship of
stock.

(2) A stock certificate shall be primâ facie evidence of the title of the person therein named his executors administrators

A.D. 1909. successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

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

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

(5) In the case of a stock certificate so lost or destroyed as mentioned in the preceding subsection the Corporation shall if they so require be given prior to issuing a new certificate in the place of the one so lost or destroyed by one or more persons to be approved by them an indemnity against any loss damages costs or other expenses which the Corporation may sustain or be put to in consequence of their issuing such new or substituted certificate or of the original certificate being still outstanding.

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

Power for
stockholder
to transfer.

259. Subject to the provisions of this Part of this Act every Corporation stockholder may transfer all or any part of his stock.

Transfer of
stock in
books.

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

(1) The Corporation or the registrar shall keep books wherein transfers of Corporation stock so transferable shall be entered (in this Part of this Act referred to as “the Corporation stock transfer books”):

(2) Every such entry shall be expressed in proper words for the purpose of transfer and shall be signed by

the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness: A.D. 1909.

- (3) Where the Bank of England are the registrar they may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two credible witnesses:
- (4) The person to whom a transfer is made may if he thinks fit underwrite his acceptance thereof:
- (5) Except as otherwise provided by Act of Parliament and subject to the provisions of this Act respecting the stocks and securities of the Corporation existing at the commencement of this Act or respecting any portion of Corporation stock which the resolution for the creation thereof makes transferable by deed no mode of transferring Corporation stock other than that prescribed in this section shall be good in law.

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

- (1) Every transfer of the stock so transferable shall be by deed:
- (2) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever and such deed shall be effectual in law to pass to the transferee all the interest of the transferor in stock expressed to be transferred and the dividends thereon:
- (3) The deed of transfer when duly executed together with the certificate representing the stock expressed in the deed to be transferred shall be delivered to and kept by the Corporation or the registrar and the Corporation or the registrar shall enter a memorial thereof in a book to be called "the register of transfers of Corporation stock" and shall indorse on the deed of transfer a notice of that entry:

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(4) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser:

(5) Until the deed of transfer with the certificate before mentioned has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on transfer of stock.

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

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

Closing of transfer books.

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

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

Stamp duty on transfers.

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

Transmission of stock.

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

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(2) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Corporation or the registrar for registration together with evidence by statutory declaration if the Corporation or the registrar so require of identity of the testator or intestate and of the executors or administrators which declaration shall be retained by the Corporation or the registrar who may require all the executors who have proved the will or all the administrators to join in the transfer.

(3) If the interest in any Corporation stock has become transmitted by any lawful means other than a transfer or the death of a stockholder satisfactory evidence of the transmission shall if required be furnished to the Corporation or the registrar by a statutory declaration of one or more competent persons or in such other manner as the Corporation or registrar require.

(4) If the transmission is in consequence of the death of a joint stockholder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the death or burial of the deceased stockholder and declare the identity of the deceased person with the deceased stockholder and if the transmission is in consequence of the marriage of a female stockholder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage of the stockholder and declare the identity of the married person with the stockholder.

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

(6) Until such evidence has been furnished the Corporation or the registrar shall not be affected by the transmission and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

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

266. Where two or more persons are registered as joint owners of any stock such persons shall be deemed to be joint owners with right to survivorship between them.

Transmission of stock on death.

267. The Corporation may pay by the registrar the dividends on Corporation stock and such dividends shall be

Payment of dividends on stock.

A.D. 1909. — paid upon the first day of April and the first day of October in each year except when such days or either of them shall fall on a Saturday Sunday or day observed as a public holiday at the Bank of England and then upon the day next following such excepted day or days.

Dividends on stock to executors.

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

Evidence of title to dividends on stock.

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

Dividends on stock to joint holders.

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

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

Dividends on stock warrants by post.

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

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

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

(4) This section shall not apply to cases within section 4 of the National Debt Act 1889.

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

Unclaimed dividends on stock.

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

(3) At the end of every successive period of five years from the first day of October one thousand nine hundred and six the Corporation shall publish an advertisement in a newspaper circulating in the borough stating what if any dividends on Corporation stock other than those falling due at the then last half-yearly or other day of payment are then unclaimed and the names and addresses appearing in the Corporation stock registers of the holders of the stock on which the dividends are unclaimed.

(4) At the end of every successive period of ten years from the said first day of October one thousand nine hundred and six the Corporation unless it has been otherwise agreed between them and the registrar may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Corporation shall pay the same into the loans fund and may deal therewith as they are by this Part of this Act empowered to deal with money paid into

A.D. 1909. — the loans fund as interest on cash balances received by them without prejudice nevertheless to the rights of any person to those dividends.

Provisions
respecting
stock cer-
tificates and
coupons to
bearer.

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

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

(3) No trustee shall apply for purchase take or hold a Corporation stock certificate to bearer unless he is in express words authorised to do so by the instrument creating his trust and any contravention of this provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Corporation or registrar an obligation to inquire or to take notice whether a person applying for or holding a stock certificate to bearer is or is not a trustee or subject the Corporation or the registrar to any liability in case of their or his with or without notice issuing to a trustee a stock certificate to bearer or invalidate any stock certificate to bearer issued.

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

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

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

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

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

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

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

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

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

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

A.D. 1909. in the Corporation stock registers as transferable in books or by deed.

Nature of stock.

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

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

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

Receiver in case of unpaid dividends on stock.

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

(2) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this Part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for the purposes of this Part of this Act.

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

For protection of holders of Corporation stock.

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

277.—(1) Corporation stock shall be deemed capital stock of a body corporate within the Forgery Act 1861. A.D. 1909.

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Forgery of
stock.

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

278.—(1) Where the Bank of England is the registrar they may with the consent of the Corporation from time to time issue any forms that may be required for carrying into effect the provisions of this Part of this Act and may also from time to time make any regulations that are not inconsistent with this Part of this Act relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed :—

Regulations
as to stock
forms fees
and ex-
penses.

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

(2) The forms given in the Thirteenth Schedule to this Act may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

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

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

A.D. 1909.

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

Special provision as to existing stock.

279. The existing stock created and issued by the Corporation as and upon the terms and conditions set out in the Fourteenth Schedule to this Act shall so far as such terms and conditions are not inconsistent therewith and subject thereto be deemed to be Corporation stock issued under and by virtue of the provisions of this Act and to be transferable by deed.

Scheme for fixing equated periods.

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

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

(3) Any sums necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto are hereby declared to be a purpose of this Act for which the Board as in this Act provided may sanction money to be borrowed.

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

Information and returns to Board as to principal moneys.

281.—(1) The Corporation shall furnish all such information and returns (if any) to the Board with regard to the exercise of the powers contained in this Part of this Act as

the Board shall from time to time require and in particular the treasurer shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in pursuance of the provisions of this Act in respect of any of the principal moneys and at any other time when the Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

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

A.D. 1909.

any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

Annual re-
turn to
Board as to
Corporation
stock.

282.—(1) Once in every year at a time appointed by the Board the Corporation shall send to that Board an abstract of the accounts of the Corporation relating to Corporation stock and the loans fund in a form prescribed by that Board and verified by a statutory declaration of the treasurer if required by that Board.

(2) In case of wilful default therein by the Corporation the Corporation shall on each occasion be liable to a fine not exceeding two hundred pounds and in case of wilful default therein by the treasurer the treasurer shall on each occasion be liable to a fine not exceeding twenty pounds and every fine under this section shall be recoverable summarily on the prosecution of the Board and not otherwise.

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

Orders of
Board.

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

Apportion-
ment of
items.

284. In all cases in which the Corporation keep separate accounts for separate purposes they may apportion between those accounts or carry to either of them any receipts credits

payments and liabilities which from time to time it appears to them ought to be so apportioned or carried. A.D. 1909.

285. 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 Incorporated 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. Paid auditors.

286. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under the Corporation Acts. Audit of accounts.

287. All the accounts of the Corporation shall be made up each year to the thirty-first day of March in that year. Date of making up Corporation accounts.

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

PART XX.

FIRE INSURANCE AND ACCIDENT FUNDS.

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

(2) In each year after the establishment of the fire insurance fund the Corporation shall pay into that fund such a sum not less than the aggregate amount of the premium payable in the event of the Corporation insuring their buildings

A.D. 1909. works and property in some public fire insurance office in England but when the fund shall amount to the sum of fifty thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payment until the fund be restored to the sum of fifty thousand pounds Provided that nothing in this Act shall affect the power of the Corporation to insure any of their buildings works and property against loss or damage by fire in any public insurance office in England and if the Corporation so insure any of their buildings works and property the yearly sums payable to the fire insurance fund may during the continuance of any such insurance be reduced by the amount of the premiums payable in respect of such insurance.

(3) The Corporation shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands buildings and undertakings or from the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents or revenue specially chargeable then by contributions from the borough fund and borough rate.

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

(5) If at any time and from time to time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Corporation by or in consequence of fire the deficiency therefrom arising is hereby declared to be a purpose of this Act for which the Board as in this Act provided may sanction money to be borrowed.

290. The Corporation may if they think fit form a fund to be called the "Accident Fund" to provide for meeting claims upon them under the Common Law or the Employers' Liability Acts or the Workmen's Compensation Acts or otherwise in respect of any accident occurring in the execution of any of their powers as a Corporation and such fund shall be formed by annually appropriating thereto out of any of the revenues of the Corporation such sum as they from time to time deem expedient and investing the same at compound interest in or upon any statutory securities and accumulating the same and the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section The said fund shall at no time exceed the sum of ten thousand pounds but if it be reduced at any time it may be restored to the said amount.

A.D. 1909.
Power to
create acci-
dent fund.

PART XXI.

PUBLIC VEHICLES AND STREET TRAFFIC.

291. Any person appointed by the Corporation in writing may examine all hackney carriages plying for hire within the borough and shall see that the laws and byelaws relating to such hackney carriages are duly observed If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

Inspection of
public vehi-
cles.

292. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation for the time being in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages within the borough conveying passengers to or from any railway station within the borough or plying for hire at such railway station as if such railway station were a public stand for hackney carriages Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purposes of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles :

Regulation
of public
vehicles ply-
ing to and
from railway
stations.

Provided also that nothing herein contained shall empower the Corporation to fix the stand of any such hackney carriage

A.D. 1909. in any railway station or in any yard adjoining or connected therewith except with the written consent of the railway company.

Power to grant occasional licences for public vehicles.

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

Notice of processions to be given.

294. Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the office of the town clerk twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

No portable steam engine to be used in any street without previous licence of Corporation.

295. No portable or movable steam engine other than a steam tramway engine locomotive or traction engine shall be used in any street or in any building land or unfinished building within the distance of fifty yards from any street or in any market or fair except in every instance with the previous licence (under the hand of the town clerk) of the Corporation who may permit such user subject to such terms and conditions as may be stated in the licence and may charge for each licence a fee not exceeding five shillings and whoever without such licence or contrary to the terms and conditions thereof shall so use or direct or permit to be used any such engine shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Traction engines.

296. The following provisions with respect to the use of traction engines in the borough shall have effect (that is to say) :—

- (1) The Corporation may from time to time prescribe the time (being the same hours as are from time to time prescribed by the county authorities) at which

and the streets or classes of streets along or across which alone traction engines shall pass and the owner and person in charge of any such engine who shall knowingly pass therewith at any time or along or across any street not so prescribed shall be liable for such offence to a penalty not exceeding ten pounds in addition to the cost of repairing any damage to such street which may arise by reason of such offence :

- (2) The Corporation may require any person who desires to use a traction engine in any street to deposit with them such sum of money not exceeding one hundred pounds as they may deem reasonable to recoup them the cost of repairing any damage which may be caused to any street by any such engine passing along or over the same respectively and in case of any such damage they may repair the same and apply such deposit to meet as far as it will extend the cost of such repair and may recover the balance of such cost from such person and so from time to time :
- (3) If the Corporation require any person to make such deposit they shall pay interest to such person after the rate of three pounds ten shillings per centum per annum on the amount of the deposit for the time being in the hands of the Corporation not so applied as aforesaid :
- (4) No person using or conducting any such engine shall supply the same with water from any public fountain trough well or receptacle for water situate in any street within the borough except with the licence of the Corporation and upon such terms as to payment and otherwise as shall be stated therein and any person offending against this provision shall for every such offence be liable to a penalty not exceeding five pounds :
- (5) The term "traction engine" shall not for the purposes of this Act be deemed to include a steam or any other tramway engine.

A.D. 1909.

PART XXII.

STREET AND OTHER POLICE OFFENCES.

Penalty on
certain
offences in
streets.

297. Every person shall be liable to a penalty not exceeding forty shillings who in any street commits any of the following offences (that is to say) :—

- (1) On Sunday cries or calls out for sale any newspaper journal or serial or advertises by any cry or call any newspaper journal or serial or rings any bell or uses any horn whistle or noisy instrument or creates any noise whatsoever or howsoever for the purpose of selling any newspaper journal or serial or attracts or attempts to attract the attention of any person or persons by means of any noise whatsoever whether vocal or otherwise for the purposes aforesaid or any of them :
- (2) Draws any timber stone or other weighty article without the same being placed on or suspended from a wheeled carriage proper for that purpose :
- (3) Blows any horn or uses any other noisy instrument for the purpose of calling persons together or of announcing any show or entertainment or for the purpose of hawking selling distributing or collecting any article whatsoever or of obtaining money or alms.

Penalty on
certain other
offences.

298. Every person shall be liable to a penalty not exceeding forty shillings who commits any of the following offences (that is to say) :—

- (1) Burns within a distance of one hundred yards from any dwelling-house any rags or any offensive substance so that the same shall be a nuisance :
- (2) Throws or causes to fall any dirt litter ashes or any carrion fish offal or rubbish into any sewer pipe or drain or into any well stream or watercourse pond or reservoir for water.

Penalty for
using
flanged
wheels in
streets.

299. Every person who shall take in any street repairable by the inhabitants at large without the permission of the Corporation any locomotive engine railway carriage truck or

other wheeled vehicle or apparatus having flanged tires on the wheel or wheels thereof shall be liable to a penalty of fifty pounds and shall pay all damages occasioned to the streets or property of the Corporation thereby.

A.D. 1909

PART XXIII.

MISCELLANEOUS.

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

Work done on two or more properties.

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

In executing works instead of owner Corporation only liable for negligence.

302.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

Power to grant gratuities in certain cases.

A.D. 1909.

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

Inquiries by Board.

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

(2) The Corporation shall pay to the Board any expenses incurred by the 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 the Board not exceeding three guineas a day for the services of such inspector.

Confirmation of byelaws.

304. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applicable under this Act.

Authentification and service of notices &c.

305.—(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 (Service of notices) of that Act authorised to be served :

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

306. 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 and made by an officer of the Corporation authorised in that behalf or by the town clerk.

A.D. 1909.
Informations
by whom to
be laid.

307. When any compensation costs damages or expenses is, or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Compensa-
tion how to
be deter-
mined.

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

As to breach
of conditions
of consent of
Corporation.

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

Consent of
Corporation
to be in
writing.

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

As to appeal.

311. 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 the penalty

Recovery of
penalties &c.

A.D. 1909. shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid over to treasurer.

312. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the general fund or to such other fund as the Corporation shall direct.

Damages and charges to be settled by court.

313. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Evidence of appointments authority &c.

314. Where in any legal proceedings taken by or on behalf of the Corporation under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the 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 of the borough or 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.

Saving for indictments &c.

315. 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 consequences 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.

Recovery of demands.

316. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court

having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1909.

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

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

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

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

321. The costs charges and expenses preliminary and of and incidental to the preparing applying for obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation. Costs of Act.

PART XXIV.

REPEAL.

322.—(1) Subject to the provisions of this Act the Acts and Orders specified in the Fifteenth Schedule to this Act (in this section referred to as "the repealed Acts") are hereby repealed to the extent mentioned in the third column of that schedule Provided that the sections of the repealed Acts mentioned in such third column as excepted from repeal and which are set forth at length in the Sixteenth Schedule to this Act shall have and continue to have the same effect as if this

A.D. 1909. Act had not been passed but on the coming into operation in the borough of any byelaws made by the Corporation with regard to the subject matter of any of the sections of the Bury Improvement Act 1846 the Bury Improvement Act 1872 and the Bury Improvement Act 1885 as set forth in the said Sixteenth Schedule the section relating to the same subject matter shall thereupon be repealed except so far as the same may have been acted upon Provided further and there is hereby also excepted from repeal any powers of the Corporation under such Acts or any of them with respect to the compulsory acquisition thereunder by the Corporation of any lands and any such powers (together with the benefit of any provisions of any other of the repealed Acts incorporated therewith) shall remain in full force and be exerciseable to the same extent and subject to the same conditions and restrictions as if this Act had not been passed.

Savings from
effect of
repeal.

(2) Notwithstanding the repeal of the repealed Acts as aforesaid—

(A) All existing bonds mortgages stock or other securities granted payable or created by the Corporation under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties and the holders of all such bonds mortgages annuities stock or other securities shall be in the like position and entitled to the like powers rights and remedies as if the same had been respectively granted or issued under the Corporation Acts:

(B) All property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation and all acts works matters and things before the commencement of this Act done or commenced under the powers of the repealed Acts or any of them and which were at the commencement of this Act valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts covenants deeds instruments leases obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed:

- (c) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the repealed Acts or any of them may be continued commenced or prosecuted by or against the Corporation as if this Act had not been passed: A.D. 1909.
- (d) All existing byelaws rules regulations orders and licences shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act:
- (e) All rates rents tolls and other sums at the commencement of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed:
- (f) All books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

A.D. 1909.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

NAMES AND DESCRIPTION OF THE WARDS OF THE BOROUGH.**CHURCH WARD.**

All that part of the borough comprised within the following limits (that is to say) Within a line commencing at the centre of Bury Bridge and proceeding in a northerly direction along the centre of the bed of the River Irwell as far as the easterly boundary of the old township of Elton thence in a south-easterly direction along the said old township boundary and prolonged into the centre of Paradise Street thence along the centre of Paradise Street in a south-westerly direction to the centre of Eden Street thence in a south-easterly direction along the centre of Eden Street Clough Street and Rochdale Road as far as the centre of Lord Street thence along the centre of Lord Street in a southerly direction to the centre of Spring Street thence in a south-easterly direction along the centre of Spring Street to the centre of Heywood Street thence in a southerly direction along the centre of Heywood Street to the south side of the Lancashire and Yorkshire Railway and proceeding along the south side of the Lancashire and Yorkshire Railway in a westerly direction as far as the centre of Manchester Road thence in a northerly direction along the centre of Manchester Road and Silver Street to the centre of Bolton Street thence in a westerly direction along the centre of Bolton Street and terminating at the centre of Bury Bridge.

REDVALES WARD.

All that part of the borough comprised within the following limits (that is to say) Within a line commencing at the boundary of the borough in the centre of the bed of the River Irwell at Hinds and proceeding in a northerly direction along the centre of the bed of the River Irwell as far as the centre of Bury Bridge passing in an easterly direction along the centre of Bolton Street to Silver Street thence in a southerly direction along the centre of Silver Street and Manchester Road as far as the south side of the Lancashire and Yorkshire Railway thence in an easterly direction along the south side of the said Lancashire and Yorkshire Railway to Heywood Street thence northerly along the centre of Heywood Street to Spring Street thence in a north-westerly direction along the centre of Spring Street to Lord Street thence in a northerly direction along the centre of Lord Street to Rochdale Road thence in an easterly direction passing along the centre of Rochdale Road to the centre of Heap Bridge thence in a southerly direction along the easterly

boundary of the borough and thence in a northerly direction along the westerly boundary of the borough to the centre of the bed of the River Irwell at Hinds.

EAST WARD.

All that part of the borough within the following limits (that is to say) Within a line commencing at the centre of Heap Bridge and passing in a westerly direction along the centre of Rochdale Road Clough Street and Eden Street to Paradise Street thence in a north-easterly direction along the centres of Paradise Street Moorgate Taylor Street Kenyon Street Bridge Street and High Street and continuing in a prolongation of the centre line of High Street to the easterly boundary of the borough and thence along the said easterly boundary to the centre of Heap Bridge.

MOORSIDE WARD.

All that part of the borough lying north of Church Ward and East Ward and east of the centre of the bed of the River Irwell.

ELTON WARD.

All that part of the borough lying west of the centre of the bed of the River Irwell.

THE SECOND SCHEDULE.

LANDS UPON WHICH THE CORPORATION ARE AUTHORISED TO MANUFACTURE GAS AND TO CONSTRUCT AND MAINTAIN RAILWAYS SIDINGS AND STOREYARD.

All that plot of land situate on the west side of Victoria Street Elton within the borough and containing in front of such street fifty-two yards twelve inches and being in width at the back thereof sixty yards twelve inches and running in depth backwards on the northerly side thereof eighty-two yards eighteen inches and on the southerly side thereof in an irregular line ninety-eight yards and containing in the whole five thousand seven hundred and twenty-two superficial square yards or thereabouts bounded on the northerly side thereof by a street of ten yards wide separating the same from the plot of land next described on the southerly side thereof partly by a brook or stream of water and partly by land belonging to the Earl of Derby and on the westerly side thereof by the embankment of the feeder of the Manchester Bolton and Bury Canal:

And also all and singular the retort-house counting-house and other buildings which have been erected upon the said plot of land.

All that plot of land lying contiguous to the said last-mentioned plot of land and also situate on the westerly side of Victoria Street

A.D. 1909. within Elton aforesaid and containing in front of such street ninety-three yards and twenty-four inches and being in width at the back thereof eighty-four yards and twenty-four inches and running in depth backwards on the northerly side thereof one hundred and six yards and on the southerly side thereof eighty-three yards and eighteen inches and containing in the whole eight thousand four hundred superficial square yards bounded on the northerly side thereof partly by land in lease to Mr. James Kay and partly by a back street on the southerly side thereof by a street of ten yards wide separating the same from the last-mentioned plot of land and on the westerly side thereof by the embankment of the feeder of the said Manchester Bolton and Bury Canal and all buildings erected thereon.

All that plot of land situate on the west side of Victoria Street Elton within the borough containing in front thereto twenty-six yards and being in width at the back thereof twenty-seven yards twelve inches and running in depth backwards on the north and south sides thereof severally thirty yards and containing seven hundred and ninety-nine superficial square yards or thereabouts bounded on the north by Wood Street on the south by other land belonging to the Corporation and on the west by a back street together with all erections and buildings now standing and being upon the said plot of land.

All those lands situate in Elton within the borough delineated on the plan endorsed on an indenture dated the 5th day of November 1894 and made between the Right Honourable Frederick Arthur Earl of Derby of the first part the Right Honourable Edward Earl of Latham and Edward Hugh Leicester Penrhyn of the second part and the Corporation of the third part and thereon numbered 1 2 3 4 5 6 and 7 respectively and which said lands contain in the whole four statute acres one rood twenty perches and eleven yards or thereabouts.

All that plot of land situate in Elton within the borough and being on the south side of Ainsworth Road containing in front thereto forty-seven yards and being in width at the back thereof forty yards and running in depth backwards on the east and west sides thereof severally fourteen yards thirty-three inches and containing in the whole six hundred and thirty superficial square yards or thereabouts together with all those eight cottages situate and being numbers 13 15 17 19 21 23 25 and 27 in Ainsworth Road Elton aforesaid.

All that plot of land with the dwelling-house known as Deardens and other buildings erected thereon situate at Elton within the borough and being on the north side of the occupation road leading from Deardens Farm containing in front thereto forty-five yards and being in width at the back thereof twenty-eight yards and twelve inches and running in depth backward on the east side thereof thirty-one yards and twelve inches and on the west side thereof thirty-eight yards and thirty inches and containing in the whole one thousand three hundred and fifty-five superficial square yards or thereabouts bounded on the north-east and west by land belonging to the Earl of Derby.

All that plot of land containing in the whole sixty-three superficial square yards or thereabouts and numbered 12 on the last-mentioned plan. A.D. 1909.

All that plot of land adjoining Deardens Elton within the borough on the north-east side thereof containing in the whole six hundred superficial square yards or thereabouts and numbered 13 on the said plan.

All that piece of land in Elton within the borough situate on the east side of Victoria Street containing the front thereto twenty yards twelve inches and in width at the back thereof twenty-three yards twelve inches and running in depth backwards on the north side thereof twenty-two yards and on the south side thereof nineteen yards nine inches and containing four hundred and forty-eight superficial square yards or thereabouts bounded on the north by land belonging to the Earl of Derby on the south by a street and on the east by John Dyke's leasehold.

And also all those seven messuages or dwelling-houses erected thereon and being numbers 24 26 and 28 Victoria Street and 14 16 18 and 20 Olive Street.

All that plot of land situate within the borough bounded on the northerly side thereof by a back street on the southerly side thereof by the canal feeder on the easterly side thereof by South Proctor Street and on the westerly side thereof by Deardens Street and containing in the whole two thousand four hundred and thirty-seven superficial square yards or thereabouts.

All that plot of land situate in Elton within the borough containing on the north south east and west sides thereof respectively ten yards and containing in the whole one hundred square yards bounded on the north-westerly side thereof by land belonging to the Corporation on the north-easterly and south-westerly sides thereof partly by land belonging to the Corporation and partly by land in lease to James Edward Howarth Pilling and on the south-easterly side thereof by land in the occupation of the executors of William Pilling deceased.

All that plot of land situate in Elton within the borough shown on the plan to a certain indenture of lease dated the ninth day of October one thousand eight hundred and sixty-six and made between the Rt. Hon. Edw. Geoffrey Earl of Derby of the one part and the Bury Improvement Commissioners of the other part and containing in the whole six thousand seven hundred and fifty superficial square yards or thereabouts.

All those lands situate in Elton within the borough on the south side of Back Ainsworth Road and containing in the whole three hundred and forty-one superficial square yards or thereabouts.

A.D. 1909.

THE THIRD SCHEDULE.

CORPORATION TRAMWAYS.

PART I.—CONSTRUCTED AT THE PASSING OF THIS ACT.

Tramway No.	Description of the Tramways and of the Streets along which the same are laid.	Length excluding Crossovers Passing Places Sidings and Junctions.	
		Double Track.	Single Track.
		M. F. Yds.	M. F. Yds.
1	From Fusilier Monument in the Market Place to the junction of Walmersley Road with How Lane at Limefield by way of Fleet Street Rock Street Stanley Street Water Street and Walmersley Road.	1 0 188	0 3 82
2	From Fusilier Monument in the Market Place to Clough Gate Cottage at Unsworth boundary by way of Market Street Knowsley Street Manchester Road and Bury New Road.	2 4 20	—
3	From junction of Water Street with Walmersley Road to a point opposite Brookfield House Jericho by way of Moorgate Barn Brook Bell Lane and Rochdale Old Road.	—	1 2 111
4	From Hardy's Gate Bridge Dumers Lane to the junction of Dumers Lane with Manchester Road by way of Dumers Lane.	—	0 1 203
5	From Fusilier Monument in the Market Place to opposite No. 62 Bury Road Tottington by way of Bolton Street Elton Road Crostons Road Tottington Road and Bury Road.	0 5 50	1 5 153
6	From junction of Market Street with Haymarket Street to the junction of Rochdale Road and Bridge Hall Lane at Heap Bridge by way of Market Street Princess Street King Street and Rochdale Road.	0 7 88	0 2 164
7	From junction of Rochdale Road with Heywood Street to the junction of Market Street with Princess Street by way of Heywood Street Spring Street Frederick Street and Market Street.	—	0 6 88
8	From the junction of Rochdale Road with King Street to the junction of Clough Street with Rock Street by way of Rochdale Road and Clough Street.	—	0 1 70
9	From Bury Bridge junction to the borough boundary near the "Jolly Carters" Bolton Road by way of Bolton Road.	1 2 126	—
10	From junction of Bolton Road with Top 'oth Carr Lane to Blackshaw Brook Brightmet by way of Bury New Road.	1 1 59	—
		7 5 91	4 7 211

M. F. Yds.

Totals reduced to single track - - 20 2 173

PART II.—IN COURSE OF CONSTRUCTION OR AUTHORISED TO BE
CONSTRUCTED AT THE PASSING OF THIS ACT.

A.D. 1909.

Tramway No.	Description of the Tramways and of the Streets along which the same are laid.	Length excluding Crossovers Passing Places Sidings and Junctions.	
		Double Track.	Single Track.
11	From Jericho opposite Brookfield House to the borough boundary near Smethurst Hall by way of Rochdale Old Road.	M. F. Yds. —	M. F. Yds. 0 3 105
12	From junction of Walmersley Road with How Lane to the borough boundary at Bassfield by way of Walmersley Road.	—	1 2 109
		—	1 5 214

THE FOURTH SCHEDULE.

CORPORATION TRAMWAYS.

LANDS ON WHICH THE CORPORATION ARE AUTHORISED TO GENERATE
ELECTRICAL ENERGY.

(1) All that plot of land situate on the northerly side of Rochdale Road in the borough and containing in the whole 1259 superficial square yards or thereabouts bounded on the northerly and westerly sides thereof by the plot of land first described in the Sixth Schedule to this Act on the southerly side thereof by Rochdale Road and on the easterly side thereof by the plot of land next described.

(2) All that plot of land situate in the borough on the northerly side of Rochdale Road bounded on the southerly side thereof by Rochdale Road on the westerly side thereof by the above-mentioned plot of land on the northerly side thereof by land and buildings in lease to Messrs. Charles Openshaw and Son and on the easterly side thereof by Yarwood Street and containing in the whole one thousand and eighty-two superficial square yards or thereabouts.

A.D. 1909.

THE FIFTH SCHEDULE.

CORPORATION TRAMWAYS.

RATES AND CHARGES FOR THE CONVEYANCE OF ANIMALS GOODS &c.

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

Goods and Minerals.

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

Single Articles of Great Weight.

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

<i>Parcels.</i>	Any distance.	A.D. 1909.
	<i>s. d.</i>	=====
For any parcel not exceeding seven pounds in weight	- 0 3	
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	- 0 5	
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight	- 0 7	
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight	- 0 9	
For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Corporation may think fit:		

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

REGULATIONS AS TO RATES AND CHARGES.

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

For a fraction of a ton tolls or charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles ~~except stone and timber~~ their weight shall be determined according to the imperial avoirdupois weight.

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

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

A.D. 1909.

THE SIXTH SCHEDULE.

ELECTRICITY.

LANDS UPON WHICH THE CORPORATION ARE AUTHORISED TO GENERATE ELECTRICAL ENERGY.

1. All that plot of land (part of which is covered with water and forms a reservoir) situate on the north side of Rochdale Road in the borough with the erections and buildings standing thereon now in the occupation of the Corporation and containing by admeasurement seven thousand six hundred and thirty-seven superficial square yards or thereabouts.

2. All that plot of land situate at Chamber Hall in the borough containing in the whole four acres or thereabouts and bounded on the northerly side thereof by an intended street to be called Chamber Hall Street (now an occupation road) on the east by the Lancashire and Yorkshire Railway and on the west by Castlecroft Road.

3. The lands described in the Fourth Schedule to this Act.

THE SEVENTH SCHEDULE.

ELECTRICITY.

CHARGES FOR SUPPLY.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter. For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

SECTION 2.

Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section one of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under any regulations made under this Act.

THE EIGHTH SCHEDULE.

A.D. 1909.

MARKETS FAIRS AND SLAUGHTER-HOUSES.

TOLLS AND STALLAGES RENTS AND CHARGES.

IN A COVERED MARKET.

Shops.

£ s. d.

From the occupier of every enclosed shop for the sale of butchers' meat fruit vegetables glass earthenware cheese bacon ham or any other goods wares or merchandise for every lineal foot of the frontage thereof and so in proportion for less than a foot:—

If let by the year -	-	-	-	-	6	0	0
If let by the half-year	-	-	-	-	3	0	0
If let by the quarter-year	-	-	-	-	1	10	0
If let by the week	-	-	-	-	0	3	0
If let by the day	-	-	-	-	0	2	6

Stalls.

From the occupier of every raised stall for the sale of vegetables fruit game poultry china glass or any other goods wares or merchandise for every lineal foot of the frontage thereof and so in proportion for less than a foot:—

If let by the year -	-	-	-	-	2	0	0
If let by the half-year	-	-	-	-	1	0	0
If let by the quarter-year	-	-	-	-	0	10	0
If let by the week	-	-	-	-	0	1	0
If let by the day	-	-	-	-	0	0	9

Fish Stalls.

From the occupier of every raised stall for every lineal foot of the frontage thereof and so in proportion for less than a foot:—

If let by the year -	-	-	-	-	3	0	0
If let by the half-year	-	-	-	-	1	10	0
If let by the quarter-year	-	-	-	-	0	15	0
If let by the week	-	-	-	-	0	1	6
If let by the day	-	-	-	-	0	1	0

A.D. 1909.

Ground Space.

(Not being part of any shop or stall.)

For every superficial square foot of ground:—	£	s.	d.
If let by the year - - - - -	0	10	0
If let by the half-year - - - - -	0	5	0
If let by the quarter-year - - - - -	0	2	6
If let by the week - - - - -	0	0	3
If let by the day or part of a day (for each occupation original or successive) - - - - -	0	0	2

IN AN OPEN MARKET.

Ground Space.

For every superficial square foot used or occupied for selling or exposing for sale any goods articles wares or produce for every or any day or part of a day (for each occupation original or successive) - - - - -	0	0	6
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In Fairs.

For every superficial square foot of ground used or occupied by any show caravan exhibition booth tent theatre swing roundabout shooting gallery stall stand or other place or means of amusement on any day or part of a day (for each occupation original or successive) - not exceeding	0	0	6
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IN A CATTLE MARKET.

Animals brought into the market for sale or exposure for sale:—

For every horse mare or gelding not exceeding 52 inches	0	0	3
For every horse mare or gelding exceeding 52 inches -	0	0	6
For every colt or filly - - - - -	0	0	2
For every mule or ass - - - - -	0	0	2
For every bull ox heifer or steer - - - - -	0	0	4
For every calf - - - - -	0	0	2
For every sheep or lamb - - - - -	0	0	1
For every pig - - - - -	0	0	1
For every sucking pig - - - - -	0	0	0½

LETTING BY TENDER.

The Corporation may if they so think fit at any time let any shop stall or holding by private or public tender instead of according to the before-mentioned charges.

		s.	d.	A.D. 1909.
FOR WEIGHING AND MEASURING.				
For weighing goods not exceeding 20 lbs.	- - -	0	0½	
For weighing goods over 20 lbs. and not exceeding 100 lbs.	- - -	0	1	
For every additional 100 lbs. or part of 100 lbs.	- - -	0	1	
For measuring goods not exceeding 1 bushel	- - -	0	0½	
For measuring any quantity more than 1 bushel and not exceeding 2 bushels	- - -	0	1	
For measuring every bushel beyond 2 bushels	- - -	0	0½	

FOR WEIGHBRIDGE.

For weighing any cart or wagon or other carriage							
		not exceeding	2 tons	0	2		
" " " " " "			4 "	0	3		
" " " " " "			5 "	0	4		
" " " " " "			6 "	0	6		
" " " " " "			7 "	0	8		
" " " " " "			8 "	0	10		
" " " " " "			9 "	1	0		
" " " " " "			10 "	1	3		
" " " " " "			11 "	1	6		
" " " " " "			12 "	1	9		
" " " " " "			13 "	2	0		
" " " " " "			14 "	2	6		
" " " " " "			15 "	3	0		
" " " " " "			16 "	3	6		
" " " " " "			17 "	4	0		
" " " " " "			18 "	4	6		
" " " " " "			19 "	5	0		
" " " " " "			20 "	6	0		

FOR SLAUGHTER-HOUSES.

In respect of the use of the Corporation slaughter-houses and of the appliances provided therein including hot and cold water gas and straw for the lairs viz. :—

For every bull ox heifer or cow for not more than two nights	- - - - -	1	6
For every sheep or lamb for not more than two nights	- - - - -	0	2
For every pig (if under 80 lbs. two reckoned as one) for not more than two nights	- - - - -	0	6
For every calf for not more than two nights	- - - - -	0	4
For every bull cow ox or heifer for every night after the first two	- - - - -	0	2
For every pig for every night after the first two	- - - - -	0	1
For every sheep or lamb for every night after the first two	- - - - -	0	0½

A.D. 1909.

For the exclusive use and occupation of any of the private slaughter-houses attached to the abattoirs or slaughter-houses the Corporation may charge in addition to the above-mentioned sums such a sum or sums as will meet the sinking fund and interest and other additional expenses incurred in providing such private slaughter-houses and for this purpose may enter into agreements therefor.

THE NINTH SCHEDULE.

LANDS IN LEASE TO CORPORATION AND GROUND RENT WHICH
MAY BE ACQUIRED BY THE CORPORATION.

PART I.

Date.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Term.	Amount of Rent.
24th Dec. 1866.	Land and buildings used as fire station and dwelling-house.	The rector of Bury Rev. F. G. Blackburne.	The mayor aldermen and burgesses of the borough of Bury.	99	£ s. d. 10 0 0
10th Dec. 1800.	Land and buildings used as police station and dwelling-house.	The rector of Bury Rev. F. G. Blackburne.	The mayor aldermen and burgesses of the borough of Bury.	99	4 0 0
5th Nov. 1889.	Land and buildings used as electricity works.	The rector of Bury Rev. F. G. Blackburne.	The mayor aldermen and burgesses of the borough of Bury.	99	45 0 0

PART II.

Date.	Description of Property.	Owner or reputed Owner.	Rentcharge.
Conveyance June 1872.	10th Rentcharge in respect of land and buildings used as town's yard.	The rector of Bury Rev. F. G. Blackburne.	£ s. d. 330 0 0

THE TENTH SCHEDULE.

A.D. 1909.

SPECIAL RATING DISTRICTS.

Description of District.	Name of District.
The portions of the township of Elton added to the borough by and under the provisions of the Act of 1885.	Elton district.
The portion of the township of Tottington Lower End added to the borough by and under the provisions of the Act of 1885.	Tottington district.
The portion of the township of Walmersley-cum-Shuttleworth added to the borough by and under the provisions of the Act of 1885.	Walmersley district.
The portion of the township of Pilkington added to the borough by and under the provisions of the Act of 1885.	Pilkington district.

A.D. 1909.

THE ELEVENTH SCHEDULE.

STATEMENT AS TO BORROWING POWERS TO 31ST MARCH 1909.

1. Act Order or Sanction under which borrowing Powers were originally obtained.	2. Purposes of borrowing Power.	3. Original Amount of borrowing Power.	Borrowing Powers exercised.					10. Borrowing Powers not yet exercised but still subsisting.	11. Period allowed for Repayment from date of borrowing save where otherwise stated.	
			4. Total Amount borrowed.	5. Amount extinguished out of Sinking Fund and Loans Fund.	6. Loans.		7. Stock.			8. Total.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	Years.
PART I.—GASWORKS.										
Bury Improvement Act 1885 (and previous Acts)	Gasworks—Loans	178,989 1 1	91,470 10 3	87,468 10 10	44,150 0 0	131,618 10 10	18,348 0 0	22 from 31 March 1899.	—	—
Bury Corporation Gas Act 1890	Stock	53,050 0 0	8,900 0 0	—	—	—	21,461 3 3			
Provisional Order 1893										
Bury Corporation Act 1894	The like	10,055 9 10	1,520 0 0	8,535 9 10	—	8,535 9 10	359 9 2			
Bury Corporation Act 1894	The like	51,000 0 0	40,402 4 0	3,550 14 8	—	36,851 9 4	1,035 10 6			30
Bury Corporation Act 1901		293,044 10 11	105,441 4 11	132,855 10 0	44,150 0 0	177,005 10 0	41,204 2 11			—
PART II.—TRAMWAYS.										
Bury Corporation Tramways Act 1901.	General tramway purposes—Loans	132,000 0 0	2,175 0 0	106,475 0 0	23,350 0 0	129,825 0 0	4,585 16 7	40	—	—
Bury Corporation Act 1906	Stock	48,800 0 0	—	39,100 0 7	—	39,100 0 7	659 10 2			
Bury Corporation Act 1906	The like	39,000 0 0	540 0 0	28,760 0 0	—	28,760 0 0	2,450 13 0			30
Bury Corporation Tramways Act 1901.	Electrical equipment for tramways.	12,500 0 0	—	9,120 0 0	—	9,120 0 0	384 18 10			20
Bury Corporation Act 1906	The like	114,000 0 0	310 0 0	12,190 0 0	—	12,190 0 0	79 15 1			60
Bury Corporation Tramways Act 1901.	Property and streets improvement for tramways.	5,200 0 0	—	2,500 0 0	—	2,500 0 0	218 1 6			10
Bury Corporation Act 1906	Rolling stock									

Bury Corporation Act 1899	Ground rent	2,948 0 0	2,648 0 0	60 0 0	2,588 0 0	41 2 8	2,588 0 0	60	
Tramways Act 1870	Purchase of old tramway company.	(Part of £15,000) 51,354 18 11	47,360 3 8	500 0 0	46,860 3 8	3,664 13 11	46,860 3 8	30	
Bury Corporation Tramways Act 1901.	Cost of Act.	2,297 1 8	2,296 11 2	190 0 0	2,106 11 2	1,651 3 5	2,106 11 2	5	
		407,800 0 7	276,824 15 5	3,775 0 0	249,699 15 5	16,058 12 7	273,049 15 5	—	
PART III.—ELECTRICITY.									
Public Health Act 1875 and Electric Lighting Act 1882—	Electricity works	30,000 0 0	30,000 0 0	9,626 0 0	20,374 0 0	1,675 15 2	20,374 0 0	25	
Sanction 24 May 1895	The like	20,000 0 0	20,000 0 0	3,580 0 0	16,420 0 0	1,052 15 5	16,420 0 0	25	
Sanction 5 May 1899	The like	32,050 0 0	30,735 0 0	1,500 0 0	29,235 0 0	2,483 8 2	29,235 0 0	21	
Sanction 8 October 1904	The like	8,960 0 0	5,021 2 7	—	5,021 2 7	212 4 10	5,021 2 7	16	
Sanction 8 August 1907	The like	5,000 0 0	3,900 0 0	—	3,900 0 0	106 19 4	3,900 0 0	25	
" " "	The like	5,000 0 0	4,600 0 0	960 0 0	3,640 0 0	353 15 7	3,640 0 0	10	
Bury Corporation Tramways Act 1901—	The like	101,010 0 0	94,256 2 7	15,666 0 0	78,590 2	5,884 18 6	78,590 2 7	—	
PART IV.—MARKETS.									
Local Act 2 Vict. Chap. VIII. Bury Improvement Act 1846	New market	15,000 0 0	15,000 0 0	330 0 0	14,650 0 0	2,103 18 5	14,650 0 0	30	
Bury Improvement Act 1846 and Bury Order 1900—	The like	7,500 0 0	6,134 13 4	—	6,134 13 4	374 1 3	6,134 13 4	25 from 20 July 1906.	
Sanction 4 March 1901									
Bury Corporation Act 1906									
Local Act 2 Vict. Chap. VIII. Bury Improvement Act 1846	Abattoirs	20,000 0 0	20,000 0 0	2,520 0 0	17,480 0 0	701 3 3	17,480 0 0	30	
Bury Improvement Act 1846 and Bury Order 1900—	Abattoirs—								
Sanction 4 March 1901	Loans	7,000 0 0	{ 4,300 0 0	300 0 0	4,600 0 0	160 5 5	6,700 0 0	40	
Bury Corporation Act 1901	Stock		{ 2,100 0 0	—		213 3 9			
Bury Corporation Act 1906	The like	15,000 0 0	10,316 13 6	—	10,316 13 6	574 8 3	10,316 13 6	25 from 20 July 1906.	
		64,500 0 0	58,451 6 10	3,170 0 0	53,181 6 10	4,127 0 4	55,281 6 10	—	

* Amount borrowed at 31st March 1899.

A.D. 1909.

Education.												
Municipal Corporations Act 1882												
Local Government Act 1888 and Technical Instruction Act 1889—												
Sanction 16 June 1893	16,000 0 0	16,000 0 0	3,188 0 0	12,812 0 0	12,812 0 0	—	—	12,812 0 0	2,758 12 3	—	—	30
Sanction 14 Feb. 1900	9,623 0 0	7,000 0 0	400 0 0	6,600 0 0	6,600 0 0	—	—	6,600 0 0	1,624 2 11	2,623 0 0	—	22
Public Health Act 1875 and Educa- tion Act 1902—												
Sanction 21 Mar. 1908	1,000 0 0	—	—	—	—	—	—	—	—	1,000 0 0	—	60
Sanction " "	12,214 0 0	12,214 0 0	—	12,214 0 0	12,214 0 0	—	—	12,214 0 0	6 6 1	—	—	30
Sanction " "	1,250 0 0	—	—	—	—	—	—	—	—	1,250 0 0	—	10
Sanction " "	786 0 0	—	—	—	—	—	—	—	—	786 0 0	—	20
Sanction 22 June 1908	3,000 0 0	486 0 0	—	486 0 0	486 0 0	—	—	486 0 0	—	2,514 0 0	—	30
	43,873 0 0	35,700 0 0	3,588 0 0	32,112 0 0	32,112 0 0	—	—	32,112 0 0	4,389 1 3	8,173 0 0	—	—
PART VI.—GENERAL FUND.												
Bury Improvement Act 1872	*41,081 0 0	41,081 0 0	36,581 0 0	—	—	4,500 0 0	—	4,500 0 0	4,500 0 0	—	—	35 from 31 July 1885.
Public Health Act 1875— Sanction 4 Dec. 1886	27,170 0 0	27,170 0 0	19,070 0 0	—	—	8,100 0 0	—	8,100 0 0	8,100 0 0	—	—	20
Bury Improvement Act 1872 Bury Improvement Act 1885 and Pro- visional Order 1893— Sanction 24 Sept. 1896	7,925 0 0	5,520 6 6	1,368 0 0	4,152 6 6	4,152 6 6	—	—	4,152 6 6	193 7 0	2,404 13 6	—	30
Public Health Act 1875— Sanction 16 June 1896	1,500 0 0	1,500 0 0	280 0 0	1,220 0 0	1,220 0 0	—	—	1,220 0 0	123 16 2	—	—	30
Sanction 23 July 1900	2,500 0 0	2,500 0 0	220 0 0	2,280 0 0	2,280 0 0	—	—	2,280 0 0	71 11 10	—	—	40
Sanction 18 July 1895	2,417 11 3	2,417 11 3	1,000 0 0	1,417 11 3	1,417 11 3	—	—	1,417 11 3	142 2 10	—	—	20
Municipal Corporations Act 1882 Local Government Act 1888 and Highways and Bridges Act 1891— Sanction 30 April 1904	7,000 0 0	6,567 9 11	400 0 0	6,167 9 11	6,167 9 11	—	—	6,167 9 11	177 16 7	432 10 1	—	30
Public Health Act 1875— Sanction 2 Feb. 1904	22,000 0 0	14,934 14 8	800 0 0	14,034 14 8	14,034 14 8	—	—	14,034 14 8	685 3 10	7,165 5 4	—	20

* Amount of debt at 25th March 1884.

A.D. 1909.

STATEMENT AS TO BORROWING POWERS TO 31ST MARCH 1909—continued.

1. Act Order or Sanction under which borrowing Powers were originally obtained.	2. Purposes of borrowing Power.	3. Original Amount of borrowing Power.	4. Total Amount borrowed.				5. Amount extinguished out of Sinking Fund and Loans Fund.			6. Amount outstanding.		9. Amount in the Sinking Fund and Loans Fund at 31st March 1909.	10. Borrowing Powers not yet exercised but still subsisting.	11. Period allowed for Repayment from date of borrowing save where otherwise stated.
			£	s.	d.	£	s.	d.	£	s.	d.			
PART VI.—GENERAL FUND—cont.														
Bury Improvement Act 1872.	Streets Improvement— Loans Stock.	*53,534 12 7	{ 40,084 12 7 13,450 0 0	21,840 16 3 2,400 0 0	18,243 16 4 11,050 0 0	29,293 16 4	349 6 4 4,856 17 5	—	—	—	—	—	—	35 from 31 July 1885.
Public Health Act 1875— Sanction 12 July 1880	Loans Stock.	†26,152 6 5	{ 10,901 0 2 6,000 0 0	— —	10,901 0 2 6,000 0 0	16,901 0 2	5,990 5 4 3,299 12 6	—	—	—	—	9,251 6 3	—	35
Sanction 30 April 1894	Sewage scheme	11,000 0 0	11,000 0 0	3,865 0 0	7,135 0 0	7,135 0 0	260 18 6	—	—	—	—	—	—	50
Sanction 30 April 1894	Intercepting sewers	102,000 0 0	102,000 0 0	23,971 0 0	78,029 0 0	78,029 0 0	4,640 1 7	—	—	—	—	—	—	30
Sanction 30 April 1894	Sewage disposal	7,700 0 0	2,355 0 0	—	2,355 0 0	2,355 0 0	—	—	—	—	—	5,345 0 0	—	15
Sanction 30 April 1894	Refuse destructor	7,000 0 0	4,985 0 0	1,313 12 4	3,671 7 8	3,671 7 8	203 13 1	—	—	—	—	2,015 0 0	—	20
Sanction 30 April 1894	Land for sewage disposal	3,300 0 0	3,300 0 0	—	3,300 0 0	3,300 0 0	—	—	—	—	—	—	—	50
Bury Corporation Act 1901	Sewage disposal— Loans Stock.	60,000 0 0	{ 29,643 14 6 25,200 0 0	1,360 0 0 —	28,283 14 6 25,200 0 0	53,483 14 6	359 3 1 2,082 9 8	—	—	—	—	5,156 5 6	—	45
		382,280 10 3	350,510 9 7	114,469 8 7	181,191 1 0	236,041 1 0	36,036 5 9	—	—	—	—	31,770 0 8	—	—
PART VII.—SEWERS RATE.														
Bury Improvement Act 1872.	Sewers— Loans Stock.	*17,468 0 0	{ 2,466 0 0 15,000 0 0	1,375 6 5 1,900 0 0	1,090 13 7 13,100 0 0	14,190 13 7	195 0 5 6,245 14 11	—	—	—	—	—	—	35 from 31 July 1885.
Public Health Act 1875— Sanction 3 March 1880	The like	15,700 0 0	15,684 13 8	8,204 13 2	7,480 0 6	7,480 0 6	6,509 17 10	—	—	—	—	15 6 4	—	—
		33,168 0 0	33,150 13 8	11,479 19 7	8,570 14 1	21,670 14 1	12,950 13 2	—	—	—	—	15 6 4	—	—

† Amount of borrowing power unexercised at 25 March 1884.

* Amount of debt at 25 March 1884.

THE TWELFTH SCHEDULE.

A.D. 1909.

FORM OF MORTGAGE.

COUNTY BOROUGH OF BURY.

By virtue of the Bury Corporation Act 1909 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Bury (herein-after referred to as "the Corporation") in consideration of the sum of _____ pounds paid to the treasurer of the borough by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the lands and estates the gas and other the undertakings of the Corporation and the revenues of the Corporation in the said Act defined as the said sum of _____ pounds doth or shall bear to the whole sum which is or shall be charged on the said security To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid to [him] or them with interest for the same (subject as herein-after provided) after the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum Such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the _____ day of _____ and the _____ day of _____ in each year]:

And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the municipal offices in the said borough [(subject as herein-after provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____] [upon _____ notice being given requiring to repay or to have repaid the said principal sum]:

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

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

Passed under the common seal
of the Corporation in the
presence of _____

This mortgage is duly registered in the register of mortgages kept by me pursuant to the provisions in that behalf.

Dated 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 after the rate of _____ per centum per annum].

Dated this _____ day of _____ [one thousand nine hundred and _____].

Witness _____

FORM OF TRANSFER OF MORTGAGE.

COUNTY BOROUGH OF BURY.

I [the within-named] A.B. [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 lands and estates the gas and other the undertakings of the Corporation and the revenues of the Corporation of the borough of Bury at the yearly rate of _____ in the hundred bearing date the _____ day of _____] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this _____ day of _____ [one thousand nine hundred and _____].

THE THIRTEENTH SCHEDULE.

A.D. 1909.

FORMS WITH RESPECT TO CORPORATION STOCK.

(A)

RESOLUTIONS ON CREATION OF STOCK.

COUNTY BOROUGH OF BURY.

At a meeting of the council of the borough of Bury holden on [] the day of 190 [] at [] o'clock in the noon] in the [council chamber within the] municipal offices [as a special council].

Present :

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

Resolved first—

That the Corporation acting by the council do hereby in exercise of their powers create stock to be called Bury Corporation [Redeemable] Stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding pounds (£) :—

That is to say

[Here set out purposes.]

Resolved secondly—

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

- A. The minimum price of issue to be [£] per cent. the first dividend to be payable on the [1st January 190]:
- B. Tenders for stock to be made to [] A deposit of 5 per cent. on the amount of stock tendered for to be paid at [] at the time of the delivery of the tender:
- C. The dates for the further payments on account of the said tenders when accepted to be as follows On [Wednesday the 20th day of October 190] so much of the amount tendered and accepted as when added to the deposit will leave £75 (sterling) to be paid for each £100 of stock On Friday the 26th day of November 190 25 per cent. On Tuesday the 11th day of January 190 25 per cent. On Tuesday the 1st day of March 190 25 per cent.] In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture:

A.D. 1909.

- D. Dividends at £ per cent. per annum payable [half-yearly]:
- E. Dividends on the total amount of stock calculated from [1st of
October 190] to be payable on the [1st April 190]:
- F. Scrip certificates to be issued in exchange for the provisional receipts:
- G. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution:
- H. Stock to be issued in sums of not less than £50 or a multiple of £50:
- J. Stock to be transferable [in books and not by deed] or [by deed and not in books].

Resolved thirdly—

That such stock shall be redeemable as follows—[state terms].

Resolved fourthly—

That subject to the approval of the Commissioners of His Majesty's Treasury an agreement be entered into with the Commissioners of Inland Revenue for the payment to the last-mentioned commissioners of composition under the provisions of section 115 of the Stamp Act 1891 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B)

STOCK RECEIPT.

BURY CORPORATION [REDEEMABLE] STOCK [(PER CENT.)].

	Received this day of	The proprietors to protect themselves from FRAUD are recommended to ACCEPT by themselves or their attorneys all TRANSFERS made to them. £ s. d.
Transfer	190 of	
days:	herein-after called the said transferee	
Monday	the sum of	
Tuesday	being the consideration for	
Wednesday	interest or share in the Bury Corporation [Redeemable] Stock [£	
Thursday	per cent.] transferable at the [
Friday] and all my property and	
Holidays	interest in and right to the same and	
excepted.	the dividends thereon by this day transferred unto the said transferee.	
	Witness hand	
	Witness	

A.D. 1909.

(C)

CORPORATION STOCK CERTIFICATE.

COUNTY BOROUGH OF BURY.

Number

This is to certify that A.B. of [] is the proprietor of [] pounds of Bury Corporation [Redeemable] Stock subject to the regulations relating thereto.

Given under the common seal of the mayor aldermen and burgesses of the borough of Bury this [] day of [] 190 .

(D)

TRANSFER IN BOOKS.

BURY CORPORATION [REDEEMABLE] STOCK (. PER CENT.).

No.

Entered by this day of in the year of our Lord one thousand nine hundred and do assign and transfer

£	s.	d.

Witness to the identity of interest or share in the Bury Corporation [Redeemable] Stock [£ per cent.] transferable at the [] and all my property and interest in and right to the same and the dividends thereon unto

Executors administrators or assigns Witness hand

Witness

do freely and voluntarily accept the above stock transferred to

Witness

(E)

APPLICATION FOR ISSUE OF POWER OF ATTORNEY.

[] the day of [190] from A.B. and C.D. [the registered stockholders] in the

£ BURY CORPORATION [REDEEMABLE] STOCK [£ per Cent.]

[9 EDW. 7.]

Bury Corporation Act, 1909.

[Ch. clix.]

To G.H. [the intended attorney]

A.D. 1909.

Examined by	Dr. fol.	Cr. fol.	Transfer book.
	Posted by	Posted by	

(F)

POWER OF ATTORNEY FOR SALE AND TRANSFER AND FOR RECEIPT OF DIVIDENDS.

Corporate }
Accounts. }

BURY CORPORATION [REDEEMABLE] STOCK.

Acceptance Sale of £ _____ and dividends.

We

our attorneys and attorney
for us and in our name and on our behalf—

First To accept all transfers made or to be made to us of any
sum of

[190 .]

BURY CORPORATION [REDEEMABLE] STOCK.

Secondly To sell and transfer all or any part of the sum of
said stock standing in our name
in the books of the []:

Thirdly To receive and give receipts for all dividends or payments
due or to become due on any sum of the said stock from
time to time standing in our name in the books of the []:

and also to do whatever is necessary or proper to be done for the
purposes aforesaid or any of them.

In witness whereof we have hereunto affixed our corporate seal
this _____ day of _____ in the year of our Lord
one thousand nine hundred and _____

Sealed with the corporate seal and delivered in the presence
of

N.B.—The execution of this letter must be attested by [two witnesses
who are] not of the corporate body and who must be present when
the corporate seal is affixed.

For further instructions see other side.

(H)

A.D. 1909.

DIVIDEND WARRANT.

BURY CORPORATION STOCK.

(£ PER CENT.)

To the []

Pay to bearer the sum of _____

for one half of a year's dividend on }
the sum of £ }
Bury Corporation Redeemable Stock (}
per cent.) due [190] }
Less property tax at d. per £ }

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

I do hereby acknowledge to have received of the []
the above-mentioned sum in full payment for one half of a year's
dividend due as abovesaid.

Witness Witness my hand this 190 .

(I)

DIVIDEND WARRANT BY POST.

(1)

BURY CORPORATION [REDEEMABLE] STOCK [£ PER CENT.].

REQUEST FOR TRANSMISSION OF DIVIDEND WARRANTS BY POST.

To the []

Amount. A sum of £ Bury Corporation Stock
"my" or "our." [Redeemable] [per cent.] is now standing in
name as follows:—

Names addresses
and descriptions
as recorded in
the books.

"I" or "we."

As the person entitled to the dividends upon the above-
mentioned amount of stock hereby authorise the

"myself" or
"our nominee."

[] in the name of
to draw upon the [] for the

A.D. 1909.

amount of the half-yearly dividends due and to become due on the said amount of stock or on the amount for the time being standing in name:

And hereby request the Registrar of Stock to send through the post at risk and until further notice the warrants so drawn to—

Name.....

Present address...

If the account is a sole one insert here the name and address of the stockholder. If the account is a joint one insert here the name and address of one of the stockholders as nominee.

Sign here.

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

Four horizontal lines for signing.

Date [190 .]

[On second half-sheet of same Form.]

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

NOTICE TO HOLDERS OF BURY CORPORATION [REDEEMABLE] STOCK.

[PER CENT.]

TRANSMISSION OF DIVIDEND WARRANTS BY POST.

Dividends upon the above-named stock may be transmitted through the post to the stockholder in sole accounts, and to any one of the stockholders in joint accounts at their risk upon a form of request being duly filled up and forwarded to [].

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

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

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

When forwarding a form of request care should be taken to state the number of overdue dividends if any. A.D. 1909.

Dividends are payable on [1st April and 1st October].

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

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

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

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

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

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

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

As postal dividend warrants are made payable to order they must be indorsed they are crossed in blank and consequently are only payable on presentation by a banker ([] will not undertake to cross postal dividend warrants with the names of particular bankers).

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

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

All communications with reference to postal dividend warrants should be addressed to [] and the postage should be prepaid.

A.D. 1909.

(2)

POST DIVIDEND WARRANT.

BURY CORPORATION [REDEEMABLE] STOCK.

[(PER CENT)]

To the []

Pay to me or my order on demand the sum of

being one half of a year's dividend at per cent. per annum due on the 1st day of 190 on the sum of

£ { Bury Corporation [Redeemable] Stock [(per cent.)] }

Less property tax at per £

Table with 5 vertical columns for numerical entry.

Accepted for [] Per pro []

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

(K)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

BURY CORPORATION [REDEEMABLE] STOCK CERTIFICATE TO BEARER.

Dividend at per cent. per annum.

[£ .]

A00000

This is to certify that the bearer of this certificate is entitled to [] pounds Bury Corporation [Redeemable] Stock [(per cent.)] with dividend thereon at the rate of £ per cent. per annum transferable at []

Dated 190 .

For []

[Signed]

Countersigned

[]

A00000 [£ .]

The coupons attached to this certificate are payable at []

When the coupons are exhausted this certificate will be exchanged on presentation at [] for a new certificate with fresh coupons attached. A.D. 1909.

[COUPONS.]

3 Div. BURY CORPORATION [REDEEMABLE] STOCK.	3 Div.	2 Div. BURY CORPORATION [REDEEMABLE] STOCK.	2 Div.
Coupon for shillings and pence (Less Income Tax) being Six Months' Dividend at £ per Cent. per Annum.	Bury Corporation [Redeemable] Stock. Due [1st Oct. 190].	Coupon for shillings and pence (Less Income Tax) being Six Months' Dividend at £ per Cent. per Annum.	Bury Corporation [Redeemable] Stock Due [1st Apr. 190].
A00000 Due [1st October 190 .] on Certificate for pounds Bury Corporation [Redeemable] Stock. £ . Payable at [].	A00000. £	A00000 [Due 1st April 190 .] on Certificate for pounds Bury Corporation [Redeemable] Stock. £ . Payable at [].	A00000. £

FEES.

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

THE FOURTEENTH SCHEDULE.

EXISTING CORPORATION STOCK.

Description.	Nominal Value.	Interest.		Date of Issue.	Terms and Conditions of Issue.
		Rate.	How payable.		
Bury Corporation 3½ per cent. Redeemable Stock.	£ 143,050	3½	Half-yearly 1st April and 1st October.	1st April 1886.	Redeemable at par on the 1st April 1946 or purchase by agreement.

A.D. 1909.

THE FIFTEENTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 Vict. c. viii.	An Act for providing a market place and for regulating the Markets and Fairs in the town and borough of Bury in the County Palatine of Lancaster.	The whole of the Act except section 5.
9 & 10 Vict. c. cexcii.	The Bury Improvement Act 1846 -	The whole of the Act except sections 91 92 114 116 and 168.
20 & 21 Vict. c. lxiii.	The Bury Gas Act 1857 - - -	The whole of the Act.
29 Vict. c. xlii.	The Bury Gas Act 1866 - - -	The whole of the Act.
31 & 32 Vict. c. cliii.	The Bury Provisional Order 1868 confirmed by the Local Government Act 1868 (No. 6).	The whole of the Order and so much of the Act as relates to the Order.
35 & 36 Vict. c. cxlvi.	The Bury Improvement Act 1872 -	The whole of the Act except section 180.
45 & 46 Vict. c. clxx.	Borough of Bury Provisional Order to enable the Urban Sanitary Authority for the borough of Bury to put in force the Compulsory Clauses of the Lands Clauses Consolidation Acts 1845 1860 and 1869 and Borough of Bury Provisional Order for partially repealing altering and amending certain local Acts confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1882.	The whole of the Provisional Orders and so much of the Act as relates to the Orders.
48 & 49 Vict. c. cxlvi.	The Bury Improvement Act 1885 -	The whole of the Act except sections 59 (omitting subsection (6)) 62 79 83 86 and 93.
53 & 54 Vict. c. lxix.	The Bury Corporation Gas Act 1890	The whole of the Act.
53 & 54 Vict. c. clxxxvii.	The Bury Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1890.	The whole of the Order and so much of the Act as relates to the Order.
56 & 57 Vict. c. cxx.	Borough of Bury Provisional Order for altering certain local Acts confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1893.	The whole of the Provisional Order and so much of the Act as relates to the Order.
57 & 58 Vict. c. lxiii.	The Bury Corporation Act 1894 -	The whole of the Act.
62 & 63 Vict. c. lxxx.	The Bury Corporation Act 1899 -	The whole of the Act.
63 & 64 Vict. c. clxxxii.	The Bury Order 1900 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 13) Act 1900.	The whole of the Order and so much of the Act as relates to the Order.

A.D. 1909.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
1 Edw. 7. c. xxii.	The Bury Corporation Tramways Act 1901.	The whole of the Act.
1 Edw. 7. c. cxiii.	The Bury Corporation Act 1901 -	The whole of the Act.
3 Edw. 7. c. cxlv.	The Bury Corporation Tramways Order 1903 confirmed by the Tramways Orders Confirmation (No. 1) Act 1903.	The whole of the Order and so much of the Act as relates to the Order.
6 Edw. 7. c. lxvi.	Bury Corporation Act 1906 - -	The whole of the Act except sections 15 and 16.

THE SIXTEENTH SCHEDULE.

SECTIONS OF ACTS OF PARLIAMENT EXCEPTED FROM REPEAL.

2 VICT. CAP. VIII. SECTION 5.

V. And be it further enacted that when and so soon as the said new market place shall be opened for public use the present market for the sale of meat fish poultry eggs butter vegetables fruit and other provisions corn grain hay straw and also for buying and selling goods wares and merchandise as now held in the said market place and in the open streets and on the foot pavements in the said town shall be removed therefrom and wholly discontinued and if any person or persons shall thereafter sell or expose to sale in the open streets on the foot pavements of the said town or in any lane court shed or covered way adjoining to the public thoroughfares so as in any way to obstruct or impede the said thoroughfares and except as herein-after mentioned any meat fish poultry pigeons eggs butter vegetables fruit or other marketable provisions or any corn grain hay straw goods wares or merchandise usually sold in open market every person shall for every such offence on conviction before one or more justice or justices of the peace for the said county of Lancaster forfeit and pay any sum not exceeding forty shillings to be recovered and applied as herein-after mentioned Provided nevertheless that nothing herein contained shall extend or be construed to extend to prevent or hinder any person from selling or exposing to sale any marketable commodities goods wares or merchandise whatsoever in his or her own dwelling-house or in his or her own shop due regard being had to the preservation of the open thoroughfares from any impediment or obstruction as aforesaid in consequence thereof in any part of the said town.

Discontinu-
ance of the
present mar-
ket and re-
strictions in
sale of pro-
visions out of
market place.

Not to pre-
vent persons
selling in
their own
shops or
houses.

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9 & 10 VICT. CAP. CCXCIII. SECTIONS 91 92 114 116 AND 168.

As to the
width of new
streets.

XCI. And be it enacted that it shall not be lawful to form lay out or build any new street within the limits of this Act unless the same being a carriage road shall be at least thirty-six feet wide or being a footway only shall be at least twenty feet wide but if the buildings or any of them not being a public building fronting any street being a carriageway be more than thirty feet high from the level of the street or being a footway only shall be more than twenty feet high from the level of the street then such street must be of a width equal at the least to the height of such buildings above such level and every such street being a footway only shall have an entrance thereto of at least the full width of such street and open from the ground upwards.

How width
of streets
shall be
calculated.

XCII. And be it enacted that the width of the said several streets shall with respect to the making of any such causeway or footway as aforesaid be computed from side to side and without and beyond the limits of all areas or openings steps windows and other projections.

No house to
be erected
without suffi-
cient drains.

CXIV. And be it enacted that it shall not be lawful to erect any house or other building within the limits of this Act unless a drain be constructed to the satisfaction of the Commissioners of such materials of such size at such level and with such fall as they shall direct so that the same shall be available for the drainage of the lowest floor of such building and also of its areas waterclosets privies and offices if any which drain shall lead from the intended site of such house to such sewer already made or intended to be constructed near thereto as the Commissioners shall direct and appoint or if there be no such sewer existing or intended to be constructed within sixty feet of any part of the intended site of such house then to such covered cesspool or other place not being under any dwelling-house as the Commissioners shall direct.

Houses re-
built to be on
proper level.

CXVI. And be it enacted that whenever any house shall be rebuilt within the limits of this Act the level of the lowest floor of such house shall be raised sufficiently to allow of the construction of such a drain as is herein-before provided in the case of houses to be built after the commencement of this Act and for that purpose the levels shall be taken and determined under the direction of the Commissioners and whenever any house shall be taken down as low as the floor of the first storey for the purpose of being built up again such building shall be deemed a rebuilding within the meaning of this Act.

Houses built
contrary to
the Act to be
taken down.

CLXVIII. And be it enacted that it shall be lawful for the Commissioners to cause any house or building which shall be rebuilt or erected contrary to the provisions of this Act to be taken down or regulated according to the provisions of this Act and the expenses of such alteration shall be repaid to the Commissioners by the owner of the house or building so altered or rebuilt.

BURY IMPROVEMENT ACT 1872 SECTION 180.

A.D. 1909.

180. With a view to the prevention of fire and the escape of steam noisome gases ashes and other products of combustion the Commissioners may regulate the height of the chimneys smoke and steam pipes and funnels of all buildings used at or after the commencement of this Act for the purposes of trade or manufacture or for baths and washhouses and may order that any such chimney pipe or funnel be altered or built so as to be of the height specified in the order and so as not to discharge any smoke or steam except above the top of the building to which such chimney pipe or funnel may be appurtenant and if any person does not comply with the order or in the case of any new chimney neglects to give fourteen days' notice in writing to the Commissioners of his intention to build the same he shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding twenty shillings for every day such offence shall continue after conviction therefor.

Commis-
sioners may
regulate
height of
chimneys.

BURY IMPROVEMENT ACT 1885 SECTIONS 59 62 79 83 86 AND 93.

59. From and after the passing of this Act every person who shall intend to make or lay out any new street within the borough whether the same is intended to be used as a public way or not shall comply with the following provisions (namely):--

Notice of
intention to
lay out new
streets to be
given and
plans and
sections to be
furnished.

- (1) He shall give notice in writing thereof to the surveyor and shall furnish him with a plan of the intended new street drawn on an accurate scale of one inch to sixty feet and a section drawn on an accurate scale of one inch to sixty feet horizontally and one inch to twenty feet vertically :
- (2) Such plan shall show thereon the names of the owner or owners of land through or over which the street is intended to pass and its proposed width and direction and its position relatively to the streets adjoining or leading thereto and the name and address of the person intending to lay out the new street and such plan shall be signed by him or his agent :
- (3) Every such section shall show thereon the level of the present surface of the ground above the Ordnance datum the level and rate of inclination of the intended new street and the level and inclination of the streets with which it will be connected :
- (4) Every such plan and section shall be drawn on tracing paper in ink and coloured and shall be signed by the person intending to make or lay out such new street or his authorised agent :

A.D. 1909.

(5) It shall not be lawful for any person to make or lay out any new street until such notice shall have been given and such plans and sections shall have been approved by the Corporation under the hand of the surveyor and it shall not be lawful for any such person in making or laying out any such new street to deviate from such approved plans and sections without the consent in writing of the Corporation signified as aforesaid:

* * * * *

Any person who shall offend against this section shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds.

Back passages to streets to be laid out.

62. Every new street intended as the principal or front access to a continuous line of dwellings shall unless the Corporation otherwise allow have provided and set out in connexion with it one or more back or transverse passages or roads open at each end and not less than twenty feet wide in such manner as to afford access for carts to the back of every house in such continuous line of dwellings in the new street and such passages or roads shall be kept free from any obstruction and uncovered and properly drained metalled and made good to the reasonable satisfaction of the Corporation. Every such passage or road shall be maintained in proper repair by the owners of the premises abutting thereon in proportion to their respective frontages and in default thereof the Corporation may from time to time execute the necessary repairs and recover the costs thereof from such of the owners of the said premises as are in default as private improvement expenses.

What to be deemed new buildings.

79. From and after the passing of this Act—

The erecting of any building;

The re-erecting wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the ground and of any frame building so far pulled down as to leave only the framework of the ground-floor storey thereof;

The converting into a dwelling-house any building not originally constructed for human habitation;

The re-converting into a dwelling-house any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house;

The converting into two or more dwelling-houses any building constructed originally as one dwelling-house;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

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The roofing or covering over of an open space between walls or buildings;

shall for all purposes of this Act and of any other local Act for the time being in force within the borough and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erecting of a new building and the word building shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

83. Every fireplace opening or chimney opening in a new building shall have a sufficient hearth or horizontal slab of durable and incombustible material at the level of the floor extending throughout the length and depth of such opening and to a distance of at least eighteen inches beyond the face of the chimney breast and at least six inches beyond each side of the opening of the chimney-piece.

Fireplaces of buildings to have hearths of certain dimensions.

Every such hearth shall be laid upon a bed of cement concrete brick or other compact and incombustible material having a depth of at least seven inches below the upper surface of the hearth and in no case shall the hearth be supported or rest on wood or timber.

86.—(1) It shall not be lawful without the written consent of the Corporation to build or to bring forward the main outer face of any external wall beyond the building line in any street or to construct build make place or fix any projection beyond the building line in any street or over or upon the surface thereof except in accordance with the following regulations (that is to say):—

Restrictions on projections and projecting buildings in streets.

(A) In any street having the available width between the building lines specified in the first column of the following table the jambs pilasters or architraves of any doorway or window (including any bases or plinths of such jambs or pilasters) and any window in the ground storey of any shop for the sale of goods by retail (including any name plate or sign-board at or near the sill of such window) may project to any extent not exceeding that specified in the second column of the same table and the cornice or stringcourse of any storey (such cornice or stringcourse being at least ten feet above the ground) may project to any extent not exceeding that specified in the third column of the same table and any balcony or window sill above the ground storey and any cornice or eaves of a bay window or oriel window

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above the ground storey may project to any extent not exceeding that specified in the fourth column of the same table and the body of any bay window or oriel window above the ground storey may project to any extent not exceeding that specified in the fifth column of the same table :

Where available Width of Street between building line	Projection of Jambs &c. not to exceed	Projection of Cornice &c. not to exceed	Projection of Balcony &c. not to exceed	Projection of body of Bay or Oriel Window not to exceed
	Ins.	Ins.	Ins.	Ins.
Does not exceed 30 feet -	2	12	12	6
Exceeds 30 feet but not 40 feet	3	15	15	9
Exceeds 40 feet but not 50 feet	3	18	18	12
Exceeds 50 feet but not 60 feet	4	21	21	15
Exceeds 60 feet - - -	4	21	24	18

- (B) The amount of the projection as aforesaid of any such jamb pilaster cornice stringcourse eaves balcony window sill bay window or oriel window shall be measured to the outermost portion of the same :
- (C) Every balcony and the body of every bay window or oriel window as aforesaid shall be placed at a distance from the middle of the nearest party wall not less than the distance to which such balcony or window projects :
- (D) No such bay window or oriel window projecting as aforesaid shall extend upwards through more than one storey without the written consent of the Corporation nor shall any two such windows in any storey of the same building be at a less distance apart than twenty feet without the written consent of the Corporation :
- (E) Water pipes small architectural dressings and sliding doors or gates may project three inches and no more in any street having an available width of not more than thirty feet and in any street having an available width of more than thirty feet they may project four inches and no more.

(2) Notwithstanding the foregoing provision as to the consent of the Corporation in no case shall the jambs pilasters or architraves of any doorway or window project beyond the building line in any street to a greater extent than one foot and in no case shall any bay window or oriel window as aforesaid project to a greater extent than two feet and in no case shall any balcony or window sill or any cornice or eaves

of a bay window or oriel window as aforesaid project to a greater extent than three feet: A.D. 1909.

Provided that in any case where the corner of any building at the junction of any two streets is cut off or set back so as to increase the available width of such streets it shall be lawful for the Corporation to consent to the construction of any overhead projection at such corner.

(3) In any external wall of any building the faces of any two or more external jambs pilasters or columns which do not form the sides of any doorway or window or which extend throughout the height of more than one storey shall be deemed to be the main outer face of such external wall.

(4) Every projection beyond the main outer face of any external wall shall be constructed built made placed and fixed in every respect to the satisfaction of the surveyor.

(5) It shall not be lawful without the written consent of the Corporation to construct place fix or hang any door shutter trap platform shoot sign cathead crane hoist or other apparatus or thing in connexion with any building or structure so as to project over the surface of any street at any time or so as to allow any suspended load to hang over the surface of any street at any time.

(6) Any consent under this section may be given by the Corporation subject to such terms and conditions as they may deem expedient.

(7) Every person offending against this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

93. The owner of any oven to be used by any baker for the first time after the passing of this Act and of any furnace to be used by any tradesman or artificer for the first time after the passing of this Act shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building on which such oven or furnace shall be and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Corporation. Ovens and furnaces to have protecting walls.

BURY CORPORATION ACT 1906 SECTIONS 15 AND 16.

15. The provisions of section 7 (Limits of Act) of the Radcliffe and Pilkington Gas Act 1854 so far as they relate to the supply of gas by the Radcliffe and Pilkington Gas Company within the present limits of the borough shall be and the same are hereby repealed and all the powers of the said Company for the supply of gas within the present limits of the borough under the said Act or any Act amending the same shall cease and determine. Amendment of section 7 of Radcliffe and Pilkington Gas Act 1854 &c.

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Exclusion of
borough
from juris-
diction of
Salford Hun-
dred Court.

16. From and after the date of the passing of this Act the borough shall be and the same is hereby excluded from the jurisdiction of the Salford Hundred Court in all causes whereof the county court of Lancashire has cognizance and from and after the said date the Salford Hundred Court shall not have any jurisdiction within the limits of the borough in any cause whereof the said county court has cognizance and it shall not be necessary to object to the jurisdiction of the Salford Hundred Court in any such cause by special plea and the provisions of the Salford Hundred Court of Record Act 1868 so far as they confer any jurisdiction upon the Salford Hundred Court in the borough with respect to any such cause of action shall be and the same are hereby repealed.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

ROWLAND BAILEY, Esq., M.V.O., the King's Printer of Acts of Parliament.

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