



## CHAPTER cv.

An Act to authorise the mayor aldermen and burgesses of the borough of Ipswich to construct additional waterworks and to make further provision in regard to their water undertaking and the health local government and improvement of the borough and for other purposes. A.D. 1911.

[18th August 1911.]

**W**HEREAS in pursuance of the Ipswich Corporation (Purchase of Waterworks) Act 1892 the mayor aldermen and burgesses of the borough of Ipswich (in this Act called "the Corporation") are supplying water in the borough and it is expedient to empower them to construct additional waterworks and to confer further powers upon them in connexion with their water undertaking:

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

And whereas it is proposed to erect a sanatorium for the treatment of patients suffering from tuberculosis of the lung at Foxhall in the neighbourhood of the borough the site being the gift of Ernest George Pretyman Esquire M.P. and the building being erected out of a fund provided by public subscription and it is expedient to make provision for vesting such sanatorium in the Corporation and to empower the Corporation to maintain manage carry on and equip the same:

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

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

And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows :—

	£
(a) For the purchase of land for and for and in connexion with the construction of the waterworks authorised by this Act	- 21,000
(d) For new mains extensions of mains and other waterworks purposes	- - - 5,000

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

And whereas an absolute majority of the whole number of the council at a meeting held on the ninth day of November nineteen hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *East Anglian Daily Times* a local newspaper 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 district fund and general district rate :

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eighth day of February nineteen hundred and eleven being not less than fourteen days after the deposit of the Bill in Parliament :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of

this Act were duly deposited with the clerk of the peace for the county of East Suffolk and are in this Act respectively referred to as the deposited plans sections and book of reference :

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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 Ipswich Corporation Act 1911 and the Ipswich Corporation (Purchase of Waterworks) Act 1892 the Ipswich Corporation (Tramways &c.) Act 1900 and this Act may be jointly cited as the Ipswich Corporation Acts 1892 to 1911.

Short and collective titles.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Water.

Part III.—Streets Buildings Sewers and Drains.

Part IV.—Tuberculosis of the Lung.

Part V.—Finance.

Part VI.—Miscellaneous.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say):—

Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 (Undertakers to lay down communication pipes on request of occupier and with consent of owners in houses of limited value) of the Waterworks Clauses Act 1847;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be

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received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

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

Interpretation.

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

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

“The borough” means the county borough of Ipswich;

“The council” means the council of the borough;

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

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

“The limits of supply” means the limits within which the Corporation are for the time being authorised to supply water;

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

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

“Statutory security” has the meaning assigned to it by section 3 (Interpretation) of the Act of 1900;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying

off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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

“The Act of 1892” and “the Act of 1900” mean respectively the Ipswich Corporation (Purchase of Waterworks) Act 1892 and the Ipswich Corporation (Tramways &c.) Act 1900.

## PART II.

### WATER.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the county of East Suffolk (namely):—

Power to  
make works.

Work No. 1 A pumping station together with a well or wells bores adits headings and other works and conveniences to be situate in the parish of Whitton in the rural district of Bosmere and Claydon in the county of Suffolk on land numbered 91 on the  $\frac{1}{2500}$  Ordnance map of the said parish (second edition 1904):

Work No. 2 A conduit comprising one or more lines of pipes to be situate in the said parish of Whitton and in the borough commencing at the said pumping station and terminating at an existing reservoir of the Corporation situate at Park Road in the borough.

6. In addition to the foregoing works the Corporation may upon the said lands and upon the lands now vested in the

Subsidiary  
works.

A.D. 1911. Corporation for the purposes of their water undertaking make and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filter-beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connexion with or subsidiary to any of their waterworks but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

7. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards Provided that except for the purposes of crossing over a stream or a railway no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to take lands and waters.

8. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and they may collect impound take use divert and appropriate for the purposes of their water undertaking all such springs and waters as will or may be intercepted by the works authorised by this Act.

Period for compulsory purchase of lands.

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

Period for completion of works.

10. If the works authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the pumping station make additional wells shafts bores adits headings

machinery works and conveniences in connexion with such pumping station and in the case of the conduit authorised by this Act lay down additional lines of pipes as and when occasion may require. A.D. 1911.

**11.** The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament. Limiting powers of Corporation to abstract water.

**12.**—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connexion with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847. Power to purchase additional lands by agreement.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their undertaking.

(3) Section 20 (Power to purchase additional land &c.) of the Act of 1892 is hereby repealed.

**13.** The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking. Dwelling-houses for persons in Corporation's employment.

**14.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Persons under disability may grant easements &c.

A.D. 1911. Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation and release of water rights &c.

**15.**—(1) The Corporation on selling any lands acquired by them in connexion with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

(2) The Corporation may with the consent of the Local Government Board release relinquish extinguish sell or transfer for such consideration and upon and subject to such terms and conditions as they may think fit any water rights easements reservations conditions restrictions or provisions relating to lands or the use thereof which belong to or are enforceable by the Corporation in connexion with their water undertaking.

Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

**16.**—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connexion with their water undertaking and such buildings and works as may be incident to or connected with their water undertaking.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary



or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes. A.D. 1911.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

**17.—**(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water. Byelaws for preventing pollution of water.

(2) The byelaws made under this section shall be in force within the lands situate within such distance not exceeding four hundred yards from Work No. 1 authorised by this Act as may be prescribed in the byelaws.

(3) All byelaws made under this section shall be subject to the approval of the council of every district comprising any part of the area within which it is proposed that they shall be in force. Provided that such approval shall not be necessary where in the opinion of the Local Government Board it has been unreasonably withheld.

(4) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

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Temporary discharge of water into streams.

**18.**—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the works authorised by this Act or for the time being belonging to the Corporation the Corporation may cause the water in such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Application of Waterworks Clauses Act 1847 to conduit discharge pipes telephones &amp;c.

**19.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the conduit authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of their water undertaking.

For protection of Postmaster-General.

**20.** Any telephone or telegraph posts wires conductors apparatus or other means of electric communication erected laid down or maintained by the Corporation under the authority of this Act shall not be used for transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1909.

Rates payable by owners of small houses.

**21.** Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Detection of waste.

**22.**—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert

in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus. A.D. 1911.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

**23.**—(1) The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Supply by measure.

(2) Section 27 (Power to supply for other than domestic purposes) of the Act of 1892 is hereby repealed.

**24.** The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. Supply to houses partly used for trade &c.

**25.** When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates. Supply of water by hose pipe to stables &c.

**26.** The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons. Price of supply by measure.

**27.** The Corporation may on the application of the owner or occupier of any premises within their limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and Power to lay pipes in streets not dedicated to public use.

A.D. 1911. may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for those purposes the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts.

As to communication pipes.

**28.** For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Contracts for supplying water in bulk.

**29.** The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprised in that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

Supply to Admiralty by agreement.

**30.**—(1) The Corporation may enter into and carry into effect contracts with the Admiralty for the supply by the Corporation of water for use in the establishments of the Admiralty situate in the parish of Shotley in the rural district of Samford in the county of East Suffolk and in their ships and vessels and with reference to the laying down execution and maintenance of any mains pipes and works that may be necessary for that purpose.

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall be applicable in the case of work undertaken in pursuance of this section as though such work were undertaken within the limits of supply.

Powers in relation to water mains.

**31.** For the purpose of enabling them to give a supply of water under the provisions of the Act of 1892 and of this Act the Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of

carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district. A.D. 1911.

**32.** Notwithstanding anything in this or any other Act contained the following provisions for the protection of the Great Eastern Railway Company (in this section called "the company") shall be in force and have effect and be binding on the Corporation:—

For protec-  
tion of Great  
Eastern  
Railway  
Company.

(1) In laying down and in executing any works in connexion with the laying down or the repair and renewal of any mains pipes or other works which the Corporation are by this Act authorised to lay down and execute upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the company the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company and only according to plans and sections to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Corporation who shall also restore and make good the roads over any such bridges level crossings and approaches which the company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation Provided that if for fourteen days after the said plans and sections have been submitted to the principal engineer of the company he does not express his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved the same and that if any question arises between the Corporation and the said engineer with respect to the said plans and sections the same shall be determined by arbitration in manner herein-after provided:

(2) All such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any injury

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or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge level crossing or other property the Corporation shall make compensation in respect thereof to the company the amount of such compensation to be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable :

- (3) If any difference shall arise between the Corporation and the company under the provisions of this section the same shall be determined by arbitration the arbitrator being an engineer or other fit person appointed in default of agreement by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For mutual  
protection of  
Corporation  
and Felix-  
stowe and  
Walton  
Waterworks  
Company.

**33.** For the protection and benefit of the Corporation and of the Felixstowe and Walton Waterworks Company (in this section referred to as "the company") the following provisions shall apply and have effect (that is to say):—

- (1) The company shall not seek powers for the execution of any works for taking or abstracting water and shall not execute any such works and shall not take or abstract water in or from the area which is situate west of a line drawn due north and south through a point situate two miles east of the existing boring of the Corporation shown on the deposited plans or in or from that part of the borough which is situate east of that line :
- (2) The Corporation shall not seek powers for the execution of any works for taking or abstracting water and shall not execute any such works and shall not take or abstract water in or from the area which is situate east of the line referred to in subsection (1) of this section but this restriction shall not prevent the Corporation executing works and obtaining water at the site of the sanatorium of the Corporation proposed to be erected east of the said line for the use of that institution.

For protec-  
tion of  
Ipswich Gas

**34.** For the protection of the Ipswich Gas Light Company (in this section referred to as "the company") the following

provisions shall apply and have effect unless otherwise agreed in writing between the Corporation and the company (that is to say):—

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Light Com-  
pany.

- (1) The Corporation may in connexion with the works which they are by this Act authorised to construct raise sink or otherwise alter the position of or interfere with any main pipe or apparatus laid down or used by the company and shall cause as little detriment and inconvenience as circumstances admit to the company and shall make reasonable compensation to the company for any damage caused by any such alteration or interference :
- (2) Before the Corporation in the exercise of the powers conferred upon them by this Act alter the position of or interfere with any main pipe or apparatus laid down or used by the company they shall (except in cases of emergency) give to the company notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration or involving such interference and such work shall be done under the superintendence of the company unless the company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the Corporation shall execute such work to the reasonable satisfaction of the engineer of the company :
- (3) If within three days after a notice under the last preceding subsection of this section shall have been served upon the company that company so elect and give notice thereof to the Corporation they shall themselves execute the alterations to their mains and pipes referred to in the notice of the Corporation and the reasonable cost actually incurred by the company in executing such alterations shall be repaid by the Corporation to the company Provided always that such alterations shall be carried out with all reasonable expedition and in accordance with the directions and to the reasonable satisfaction of the engineer of the Corporation and that if having elected to execute

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such alterations the company fail to execute the same with all reasonable expedition the Corporation may themselves execute the same:

(4) The Corporation shall not for the purposes of the works by this Act authorised cause any street to be lowered or raised nor the position of any gas main or other pipe to be altered so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Corporation shall in such case protect the same pipes from injury by artificial covering to the reasonable satisfaction of the engineer of the company or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Corporation in such case provide special means of access to the same to the reasonable satisfaction of the engineer of the company:

(5) If any difference arise under the provisions of this section between the Corporation or their engineer and the company or their engineer such difference shall be settled by an engineer or other fit person to be agreed upon by the Corporation and the company or failing agreement by such engineer or other fit person as shall on the application of the Corporation or of the company be named by the President for the time being of the Institution of Civil Engineers.

For protection of certain wells.

**35.**—(1) If at any time the pumping by the Corporation at the pumping station authorised by this Act shall cause any diminution of the supply of water from any well existing at the passing of this Act and for the time being used as a source of supply and situate within a radius of one mile and a half from the said pumping station the Corporation shall upon the written request of the owner of such well (in this section referred to as "the owner" which term shall also include any tenant or lessee of the owner) afford to the owner free of cost a supply of water sufficient to make good such diminution so long as the same shall continue and for the purpose of affording a supply of water under this subsection the Corporation may supply water beyond the limits of supply and may carry out all works necessary for that purpose.



(2) The Corporation may if they think fit in lieu of making good the diminution of supply from any such well deepen the affected well or make such borings therein or headings therefrom or carry out such other works as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give to the Corporation access and every facility for carrying out such deepening borings or headings or other works. A.D. 1911.

(3) The Corporation shall make compensation in money to the owner of such well for any injury caused to such owner by the exercise by the Corporation of the powers conferred by the last preceding subsection or by the diminution of the supply in such well before the Corporation shall have made good such diminution the amount of such compensation to be settled in case of difference by arbitration as herein-after provided.

(4) If during the construction of the said pumping station the operations of the Corporation shall cause any diminution of the supply of water from any watering place or other source of supply (other than a well) such watering place or source of supply being in existence at the passing of this Act and situate within a radius of one mile and a half from the said pumping station the Corporation shall upon the written request of the owner thereof either afford to the owner free of cost a supply of water sufficient to make good such diminution during the period of the construction of the said pumping station or make compensation in money to the owner of such watering place or source of supply for any injury caused to such owner by the diminution caused as aforesaid during the said period the amount of such compensation to be settled in case of difference by arbitration as herein-after provided.

(5) The Corporation shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants or other representatives of the Corporation at all reasonable times after the passing of this Act access to the well watering place or other source of supply in respect of which the claim is made for the purpose of ascertaining particulars thereof and the level of the water therein.

(6) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be

A.D. 1911. appointed on the application of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference.

As to supply  
in bulk to  
Bosmere and  
Claydon  
Rural Dis-  
trict Council.

**36.** For the supply of water to the Bosmere and Claydon Rural District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Corporation have effect as from the time when the Corporation shall have commenced to supply water for consumption from the pumping station authorised by this Act (that is to say):—

- (1) Within six months after notice in writing to that effect under seal of the council the Corporation shall supply to the council and the council shall take such daily quantity of water in bulk as may be specified in such notice not exceeding fifty thousand gallons in any one day of twenty-four hours:
- (2) The price to be paid by the council to the Corporation for such supply shall failing agreement be determined by arbitration and shall be subject to revision at such period or periods as the arbitrator may determine:
- (3) The supply shall be given if so required by the council—
  - (a) At or near the point where the boundary of the borough crosses the main road leading from Ipswich to Bramford; and
  - (b) Either at or near the point where the boundary of the borough crosses the main road leading from Ipswich to Norwich or at any point within the district of the council upon the conduit Work No. 2 authorised by this Act:
- (4) The Corporation shall at each such point of supply as aforesaid provide fix and maintain at their own cost a meter for the purpose of measuring the water supplied under the provisions of this section and the council shall be entitled at all reasonable times to inspect any such meter:
- (5) The Corporation shall not be liable for any damage loss or expenses caused by any failure in the supply of water to the council if such failure shall be

occasioned by frost unusual drought or any cause beyond the control of the Corporation or during any time when the Corporation are not supplying water from the said pumping station by reason of their works undergoing necessary repairs or cleansing but no payment in respect of water under this section shall be demanded by the Corporation during the period whilst such supply is suspended:

- (6) Any matter referred to arbitration under the provisions of this section shall be determined by an engineer to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

### PART III.

#### STREETS BUILDINGS SEWERS AND DRAINS.

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

Continuation of existing streets to be deemed new streets.

**38.**—(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 five pounds and to a daily penalty not exceeding forty shillings.

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

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

- (a) Obstruct the highway; or
- (b) Choke up such sewer or gully; or
- (c) Cause the houses in such street to be flooded.

(2) If any person shall for fourteen days after notice in writing from the Corporation fail in any respect to comply with

A.D. 1911. the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

For prevent-  
ing water  
flowing on  
footpaths.

**40.** 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 fourteen days after service of a notice by the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Forecourts  
to be fenced  
off from  
streets.

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

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

Trees or  
shrubs over-  
hanging  
streets and  
footpaths.

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

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

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

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

A.D. 1911.  
 Courts to be  
 flagged.

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

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

Separate  
 sewers for  
 surface water  
 and sewage  
 may be  
 required.

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

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

A.D. 1911

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

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

(4) Notwithstanding anything contained in this section the Corporation shall not require the provision of separate sewage sewers unless or until the sewers which are to receive the sewage therefrom shall have been connected directly or indirectly with pumping apparatus and the provisions of subsection (3) of this section shall not apply as regards any sewage sewer unless or until that sewer shall have been connected directly or indirectly with pumping apparatus so that in either case the sewage will be pumped for the purpose of being disposed of.

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

**45.** The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

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

**46.**—(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 a 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.

(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. 1911.

(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.

**47.**—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws of the Corporation with respect to the drainage of existing buildings. Recon-  
struction of  
drains.

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

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

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

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

**49.**—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds. Improper  
construc-  
tion or  
repair of  
watercloset  
or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge

A.D. 1911. 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.

Soil pipes  
to be ven-  
tilated.

**50.**—(1) Subject to the provisions of section 37 (Water or stack pipes not to be used as ventilating shafts) of the Public Health Acts Amendment Act 1907 the soil-pipe of any water-closet 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.

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

Regulation  
dustbins.

**51.**—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(2) Provided that this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

Penalty on  
occupiers  
refusing  
execution  
of Act.

**52.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Part of this Act then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to



refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. A.D. 1911.

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

#### PART IV.

##### TUBERCULOSIS OF THE LUNG.

**54.**—(1) The agreement dated the fourteenth day of July one thousand nine hundred and eleven and made between Ernest George Pretyman of the one part and the Corporation of the other part as set forth in the First Schedule to this Act (in this section called "the scheduled agreement") is hereby confirmed and made binding on the parties thereto respectively and upon all persons interested in the hereditaments therein agreed to be conveyed subject to the life estate therein of the said Ernest George Pretyman and the same shall and may be carried into effect accordingly. Confirming agreement with Ernest George Pretyman.

(2) The said Ernest George Pretyman may convey to the Corporation by way of gift the lands and hereditaments specified in the scheduled agreement for an estate of inheritance in fee simple discharged from all the limitations powers and provisions of the settlement made by the will mentioned in the scheduled agreement and from all estates interests and charges subsisting or to arise thereunder subject to and with the exception of all estates interests and charges (if any) having priority to the said settlement.

**55.**—(1) The Corporation may by agreement and with or without consideration acquire the sanatorium for the treatment of patients suffering from tuberculosis of the lung proposed to be erected at Foxhall and any buildings and premises used or occupied therewith and may maintain manage carry on and equip the same and the Corporation may by agreement purchase take on lease acquire and hold additional lands not exceeding ten acres in extent for the purposes of or in connexion with such sanatorium. Power for Corporation to maintain sanatorium.

A.D. 1911.

(2) The Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired in pursuance of this section.

Notification  
of tuber-  
culosis of  
lung.

**56.**—(1) Every registered medical practitioner attending on or called in to visit any person within the borough shall forthwith on becoming aware that such person is suffering from tuberculosis of the lung send to the medical officer a certificate on a form to be supplied to him gratuitously by the Corporation stating the name age sex and place of residence and employment or occupation (so far as can be reasonably ascertained) of the person so suffering and whether the case occurs in his private practice or in his practice as medical officer of any hospital public body friendly or other society or institution.

(2) Any such medical practitioner who fails to give such certificate shall be liable to a penalty not exceeding forty shillings.

(3) The Corporation shall pay to every such medical practitioner for each certificate duly sent by him in accordance with this section a fee not exceeding two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any hospital public body friendly or other society or institution.

(4) A payment made to any medical practitioner in pursuance of this section shall not disqualify that practitioner from serving as a member of the council or as a guardian of a union situate wholly or partly in the borough or in any municipal or parochial office.

Cleansing  
and disin-  
fection of  
buildings  
and articles.

**57.**—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any ship vessel boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as

aforesaid or if having so informed the Corporation he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

A.D. 1911.

(b) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause such articles books things bedding or clothing to be delivered over to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and brought back and delivered to the owner free of charge.

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

A.D. 1911.

Exclusion  
of provisions  
relating to  
infectious  
disease.Expenses  
under this  
Part of Act.Notice of  
provisions  
relating to  
infectious  
disease.

**58.** No provisions contained in any general or local Act of Parliament relating to infectious disease shall apply to tuberculosis of the lung or proceedings relating thereto under the last two preceding sections of this Act.

**59.** All expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act shall be chargeable on the district fund.

**60.**—(1) The Corporation shall cause to be given public notice of the effect of the provisions of the sections of this Act whereof the marginal notes are “Notification of tuberculosis of lung” and “Cleansing and disinfection of buildings and articles” by advertisement in the local newspapers and by handbills and shall give formal notice thereof by registered post to every medical practitioner in the borough and any other registered medical practitioner known to be in practice in the borough and otherwise in such manner as the Corporation think sufficient and those sections shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

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

Cesser of  
provisions.

**61.** The provisions of the sections of this Act whereof the marginal notes are “Notification of tuberculosis of lung” and “Cleansing and disinfection of buildings and articles” shall cease to be in force within the borough at the expiration of nine years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

## PART V.

## FINANCE.

Power to  
borrow.

**62.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay all money so borrowed within the

respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely):—

A.D. 1911.

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the purchase of land for and for and in connexion with the construction of the waterworks authorised by this Act.	21,000 <i>l.</i>	Forty years from the date or dates of borrowing.
(b) For new mains extensions of mains and other waterworks purposes.	5,000 <i>l.</i>	Fifty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act and they shall repay any money borrowed under this subsection within such period (in this Act referred to as "the prescribed period") as may be prescribed by the said Board.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purposes mentioned in subsection (1) of this section and any money borrowed for the purposes of the water undertaking of the Corporation the revenue of that undertaking and the district fund and general district rate or either of those securities:

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

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

A.D. 1911.

Power to  
re-borrow.**63.**—(1) The Corporation shall have power—

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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

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

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

(5) Section 41 (Power to re-borrow) of the Act of 1892 and section 59 (Power to re-borrow) of the Act of 1900 are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Power to  
invest all  
sinking  
funds in  
statutory  
securities.

**64.** When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to

any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities. A.D. 1911.

**65.**—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

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

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

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

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

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

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated

A.D. 1911. in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

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

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

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

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

Power to  
use loans  
fund  
instead of  
borrowing.

**66.**—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of the Ipswich Corporation Consolidated Loans Fund (in this section called "the loans fund") and not required for the payment of



dividends on Ipswich Corporation Redeemable Stock (in this section called "stock"). A.D. 1911.

(2) When exercising the powers conferred on them by this section the Corporation 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 at par value an amount of stock 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.

(3) The provisions of the Act of 1892 shall apply to the moneys withdrawn from the loans fund and to the stock so transferred as aforesaid as though such money 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.

(4) 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 to the stock not transferred shall be such as the Local Government Board approve.

(5) Where in exercise of the powers of this section the Corporation use money forming part of the loans fund and transfer stock in respect thereof 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.

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

**67.**—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using

Power to use sinking fund instead of borrowing.

A.D. 1911. for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

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

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

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

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

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

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

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

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require. A.D. 1911.

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

Return to  
Local  
Government  
Board as  
to sinking  
fund.

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

A.D. 1911. 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 any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

Expenses of execution of Act.

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

Limit of library rate extended.

**70.** 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 one penny halfpenny in the pound.

## PART VI.

### MISCELLANEOUS.

Power to grant gratuities in certain cases.

**71.**—(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 sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(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.

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

**72.** The Corporation may upon the application of the owner or occupier of any premises within the borough abutting upon or being erected in any street or road laid out or made but not dedicated to public use supply such premises with electrical energy and may lay down take up or alter relay or renew in across or along such street or road such mains pipes wires apparatus and other works as may be requisite or proper for furnishing such supply and the provisions of the Ipswich Corporation

Electric Lighting Order 1897 and the Acts incorporated therewith so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section. A.D. 1911.

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

**74.** 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.

**75.**—(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. Authentication and service of notices &c.

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

A.D. 1911. secretary of the company at their registered office or at their principal office or place of business.

Application  
of provisions  
of Act of  
1900.

**76.**—(1) The following provisions of the Act of 1900 shall with any necessary modifications and subject as regards mortgages granted under the provisions of the section of this Act whereof the marginal note is “Power to use one form of mortgage for all purposes” to the provisions of that section extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

- Section 47 (Power to retain sell &c. lands):
- Section 48 (Proceeds of sale of surplus lands):
- Section 50 (Certain regulations of Public Health Act 1875 as to borrowing not to apply):
- Section 51 (Mode of raising money):
- Section 52 (Provisions of Public Health Act as to mortgages to apply):
- Section 54 (Mode of payment off of money borrowed):
- Section 55 (Sinking fund):
- Section 56 (Protection of lender from inquiry):
- Section 57 (Corporation not to regard trusts):
- Section 58 (Appointment of receiver):
- Section 61 (Application of money borrowed):
- Section 64 (Audit of accounts):
- Section 70 (Inquiries by Local Government Board).

(2) The provisions of the said sections 47 and 48 of the Act of 1900 shall extend and apply to any lands belonging to the Corporation in connexion with their water undertaking.

Confirma-  
tion of  
byelaws.

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

- Section 182 (Authentication and alteration of byelaws);
- Section 183 (Power to impose penalties on breach of byelaws);
- Section 184 (Confirmation of byelaws); and
- Section 185 (Byelaws to be printed &c.);

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

**78.** 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.

A.D. 1911.  
Consent of Corporation to be in writing.

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

As to appeal.

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

Apportionment of expenses in case of joint owners.

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

Recovery of penalties &c.

**82.** 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.

Recovery of demands.

**83.** 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.

Compensation &c. how to be determined.

A.D. 1911.

Informations  
by whom to  
be laid.

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

Penalties  
to be paid  
over to  
treasurer.

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

Judges not  
disqualified.

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

Application  
of section  
265 of Pub-  
lic Health  
Act 1875.

**87.** 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.

Saving for  
indictments  
&c.

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

Powers of  
Act cumu-  
lative.

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

Crown  
rights.

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



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

A.D. 1911.  
Costs of  
Act.

A.D. 1911.

The SCHEDULES referred to in the foregoing Act.

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**THE FIRST SCHEDULE.**

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AGREEMENT made the fourteenth day of July one thousand nine hundred and eleven between ERNEST GEORGE PRETYMAN of Orwell Park in the county of Suffolk Esquire M.P. of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF IPSWICH (herein-after called "the Corporation") of the other part.

WHEREAS it is proposed to erect in the neighbourhood of the said borough a sanatorium for the treatment of patients suffering from tuberculosis of the lung:

And whereas the piece of land at Foxhall near Ipswich containing fourteen acres and ten perches or thereabouts delineated and coloured pink in the plan hereto annexed (herein-after referred to as "the said hereditaments") has been selected as a suitable site for the erection of such sanatorium:

And whereas the said hereditaments will be valued under the provisions of the Finance (1909-10) Act 1910:

And whereas under the will of George Tomline late of Orwell Park in the county of Suffolk Esquire deceased dated the thirteenth day of May one thousand eight hundred and eighty-nine and proved in the Principal Probate Registry on the ninth day of December one thousand eight hundred and eighty-nine the said Ernest George Pretyman is seised as tenant for life in possession of the said hereditaments with remainder to his first and other sons successively according to their respective seniorities in tail male with divers remainders over:

And whereas there are now living three sons of the said Ernest George Pretyman (that is to say) George Marcus Tomline Pretyman who was born on the twenty-fourth day of April one thousand eight hundred and ninety-five Herbert Ernest Pretyman who was born on the nineteenth day of June one thousand nine hundred and Walter Frederic Pretyman who was born on the seventeenth day of October one thousand nine hundred and one:

And whereas the said Ernest George Pretyman is desirous of conveying the said hereditaments to the Corporation by way of gift as a site for the said sanatorium but is unable to do so without the sanction and authority of Parliament:

And whereas a Bill is now pending in Parliament by which it is (amongst other things) proposed to empower the Corporation to maintain manage carry on and acquire the said sanatorium:

Now it is hereby agreed as follows:—

1. Subject to the sanction of Parliament being obtained as hereinafter mentioned the said Ernest George Pretyman agrees to convey the said hereditaments by way of gift to the Corporation for an estate of inheritance in fee simple in possession free from incumbrances but the Corporation shall in the conveyance to them enter into a covenant with the said Ernest George Pretyman that the Corporation their successors and assigns will not without the consent in writing of the said Ernest George Pretyman his successors in title and assigns owner or owners for the time being of the Orwell Park Estate in the county of Suffolk of which the said hereditaments form a part (and of which estate the said Ernest George Pretyman is now tenant for life under the said will of the said George Tomline) use or occupy or allow to be used or occupied the said hereditaments or any part thereof for any purpose other than as a sanatorium.

2. In the event of the person next entitled under the said will to the said hereditaments subject to the life estate of the said Ernest George Pretyman failing during the lifetime of the said Ernest George Pretyman or within five years after attaining the age of twenty-one years or within two years after the date of this agreement (whichever shall be the longest period) to execute a document expressing his assent to the conveyance of the said hereditaments by way of gift to the Corporation as aforesaid the Corporation shall upon the expiration of such longest period as aforesaid pay a sum equal to the original value of the said hereditaments as ascertained under the provisions of the Finance (1909-10) Act 1910 into court in accordance with the provisions of section 69 of the Lands Clauses Consolidation Act 1845 to be applied as in such section directed as if the said sum so to be ascertained were the purchase money for the said hereditaments and as if the said hereditaments had been sold to the Corporation under the said Act by the said Ernest George Pretyman. Provided always and it is hereby declared that any such assent as aforesaid shall be binding upon all persons entitled under the said will to the said hereditaments subject to the life estate of the said Ernest George Pretyman whether the person expressing his assent as aforesaid shall have executed a disentailing assurance of the hereditaments settled by the said will or shall not have executed such a disentailing assurance.

3. The Corporation shall be under the same liability for payment of costs under section 80 of the Lands Clauses Consolidation Act 1845 in respect of the said sum to be ascertained as aforesaid as if the same sum were the purchase money for the said hereditaments.

4. The said Ernest George Pretyman shall covenant for himself his heirs executors administrators and assigns to indemnify and keep

A.D. 1911. indemnified the Corporation against the payment of the said sum to be ascertained as aforesaid and against all costs and expenses which the Corporation may at any time hereafter incur or become liable to pay in respect of the same sum or the deposit thereof in court or the investment thereof or the payment thereof out of court.

5. The Corporation shall use their best endeavours to procure the sanction of Parliament to this agreement and to the insertion and enactment in the said pending Bill of clauses enabling the said Ernest George Pretyman to carry this agreement into effect.

6. The said Ernest George Pretyman or the persons interested under the said will in any other lands subject to the same limitations as the said hereditaments on the determination of the life estate of the said Ernest George Pretyman therein shall not be entitled to any compensation for damages or injury (whether temporary or permanent) which may be done to any of such other lands by reason of the severance of the said hereditaments from any other lands subject to the aforesaid limitations or of the execution by the Corporation of any works authorised by the said Bill if the same shall pass into an Act or of the exercise by the Corporation of any of their statutory rights or powers.

7. The conveyance to the Corporation shall be prepared by them and at their own expense and shall contain proper covenants on the parts of the parties hereto respectively for giving effect to the provisions of these presents.

8. None of the documents of title will be delivered to the Corporation as they all relate to other hereditaments settled by the said will of the said George Tomline and will be retained by the said Ernest George Pretyman and the Corporation shall be entitled to the proper statutory acknowledgment of the right to production and delivery of copies thereof and undertaking for the safe custody thereof. Such acknowledgment and undertaking shall be prepared by and at the expense of the Corporation.

9. The Corporation shall pay to the said Ernest George Pretyman all costs charges and expenses incurred or to be incurred by him in respect of this agreement or of any deeds instruments or acts which may be necessary or proper for carrying out the same or in respect of the said application to Parliament and the Corporation shall also pay the costs charges and expenses attending the preparation execution and completion of any disentailing deed which may be executed by any person entitled to the said hereditaments expectant on the death of the said Ernest George Pretyman and which may be necessary for giving full effect to this agreement and relieving the said Ernest George Pretyman from any liability under the terms of it.

10. This agreement (except clauses 5 and 9 hereof) is conditional on the said pending Bill being passed into an Act either in its present

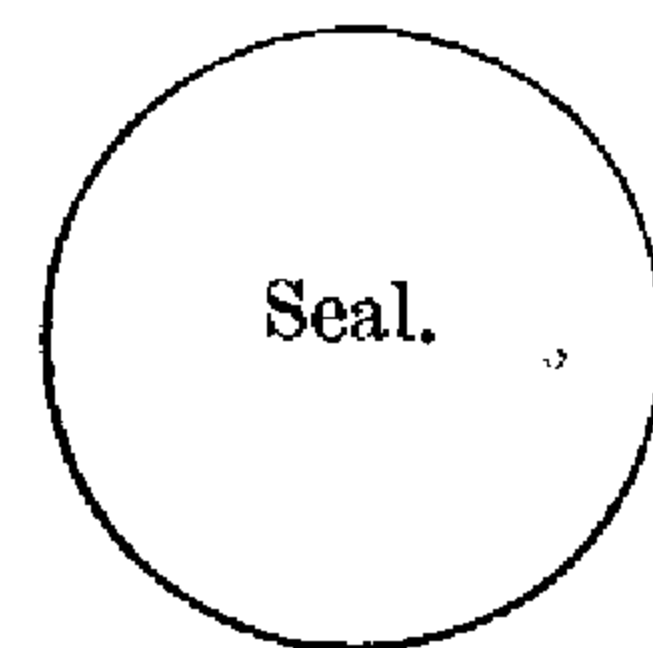
form or subject to such alterations (if any) as Parliament may think fit to make therein and which shall be approved by the said Ernest George Pretyman and if such sanction shall not be given within nine months after the date of this agreement or if Parliament shall make any material alterations in this agreement either of the parties hereto shall be at liberty to rescind this agreement by notice in writing to be delivered to the other party and in such case such agreement (except as aforesaid) shall become null and void.

In witness whereof the said Ernest George Pretyman has hereunto set his hand and the Corporation have caused their corporate seal to be affixed hereto the day and year first above written.

Witness to the signature of } ERNEST GEORGE PRETYMAN.  
Ernest George Pretyman }

HAROLD J. NORTH  
66 Lincoln's Inn Fields  
London  
Solr.

The common seal of the mayor  
aldermen and burgesses of  
the borough of Ipswich was  
affixed hereto in the pre-  
sence of }



A. GIBB  
Deputy Mayor.  
WILL. BANTOFF  
Town Clerk.

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## THE SECOND SCHEDULE.

### FORM OF MORTGAGE.

By virtue of the Ipswich Corporation Act 1911 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Ipswich (herein-after referred to as "the Corporation") in consideration of the sum of pounds (herein-after referred to as "the principal sum") paid to the treasurer of the borough by

(herein-after referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum so paid doth or shall bear to the whole sum which is or shall be charged on the said

A.D. 1911. revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum 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 ]:

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

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this day of one thousand nine hundred and

FORM OF TRANSFER OF MORTGAGE.

A.D. 1911.

I [the within-named] ] in  
[of consideration of the sum of  
pounds paid to me by of  
(herein-after referred to as "the transferee") do hereby  
transfer to the transferee [his] executors administrators and assigns  
[the within-written security] [the mortgage number  
of the revenues of the mayor aldermen and burgesses of the borough  
of Ipswich bearing date the day of  
] and all my right and interest under  
the same subject to the several conditions on which I hold the same  
at the time of the execution hereof and I the transferee for myself my  
executors administrators and assigns do hereby agree to take the said  
mortgage security subject to the same conditions.

Dated this day of  
one thousand nine hundred and

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