

**CHAPTER CCXXXV.**

An Act to make further and better Provision for the Improvement Health and good Government of the Borough of Tunbridge Wells to provide for the issue of Corporation Stock to amend the Tunbridge Wells Improvement Act 1846 and the Tunbridge Wells Water Act 1865 and for other purposes. [14th August 1890.] A.D. 1890.

WHEREAS by the Act 5 and 6 William IV. chapter LXXII intituled an Act for lighting watching cleansing regulating and otherwise improving the town of Tunbridge Wells in the counties of Kent and Sussex and for regulating the supply of water and establishing a market within the said town (and herein-after referred to as "the Act of 1835") Commissioners for improving and regulating the said town were established for carrying the said Act into execution : 5 & 6 Will. 4.
c. lxxii.

And whereas by the Tunbridge Wells Improvement Act 1846 (herein-after referred to as "the Improvement Act") the Act of 1835 was almost wholly repealed and the Tunbridge Wells Improvement Commissioners (herein-after referred to as "the Commissioners") were established and various powers were conferred upon them with respect to the paving lighting watching cleansing regulating and otherwise improving of the said town and district of Tunbridge Wells the boundaries of which were thereby defined :

And whereas by a Provisional Order dated June 11th 1864 confirmed by the Local Government Supplemental Act 1864 (No. 2) and by a Provisional Order dated June 1st 1886 and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1886 the limits of the Improvement Act were altered and defined :

And whereas the Commissioners were the urban sanitary authority and burial board for the district of Tunbridge Wells the limits

A.D. 1890. — whereof are the same as the limits of the Improvement Act as amended by the said Provisional Orders which limits are hereinafter referred to as the borough :

And whereas by the Tunbridge Wells Water Act 1865 (hereinafter referred to as "the Water Act") the Commissioners were authorised to supply water to the said town of Tunbridge Wells and places adjacent thereto and for that purpose to make and maintain waterworks and acquire the waterworks and water rights of two companies in the Water Act more particularly mentioned and described and the Commissioners were given further powers with respect to the borrowing of money and other purposes all which powers have been subsequently exercised :

And whereas the Improvement Act the above-recited Provisional Order of 1864 and the Water Act were from time to time amended and modified by various Provisional Orders and further powers were conferred upon the Commissioners with respect to the district a list of which Provisional Orders together with the above-mentioned Acts and order are set out in the First Schedule hereto annexed :

And whereas by Royal Charter dated the sixteenth day of January one thousand eight hundred and eighty-nine the district was incorporated into a municipal borough with the style and title of the borough of Tunbridge Wells under the government of the mayor aldermen and burgesses of the borough and subject to the Acts relating to municipal corporations :

And whereas the Corporation acting by the council are the urban sanitary authority of the borough and they have also divers powers under the said Improvement Acts and Provisional Orders which are in force within the borough :

And whereas by an indenture made the twentieth day of April one thousand seven hundred and three between the Right Honourable John Earl of Buckingham of the first part Thomas Lake of the Middle Temple London esquire Thomas Weller of Tonbridge in the county of Kent gentleman and George Weller of Tonbridge aforesaid gentleman of the second part Nicholas Wood of Tonbridge aforesaid glover John Mercer of Speldhurst in the said county of Kent yeoman Thomas Scoones of Tonbridge aforesaid gentleman Winnifrith Brooke of Tonbridge aforesaid widow Philip Seale of Tonbridge aforesaid glazier Edward Allen of Rotherfield in the county of Sussex mercer and William Baynes of Tonbridge aforesaid carpenter of the third part and John Dyke of Frant in the said county of Sussex esquire Robert Baker of Rotherfield aforesaid esquire Nicholas Fowle of Wadhurst in the said county of Sussex gentleman and Henry Weller of Frant aforesaid gentleman of the

A.D. 1890.

fourth part after reciting that the parties thereto of the first and second part had sold to the parties of the third part and other purchasers a portion of certain lands therein mentioned and that it had been agreed between the said earl and the several purchasers that a certain portion of the said lands (which portion was known and is herein-after referred to as "the Grove") should not be sold or converted into any private use but preserved as a grove and shady walk for the benefit of the inhabitants of the houses built or to be built on the lands sold as aforesaid the parties of the second part by the direction of the said earl conveyed the Grove with all its rights easements and appurtenances to the parties of the fourth part in fee simple upon trust inter alia to preserve the Grove for the benefit of the inhabitants of the aforesaid houses to keep open the public highway through it to protect the Grove from trespass and injury and as to the last two surviving trustees to convey the trust estate to new trustees for the same purposes :

And whereas the existing trustees under the said indenture are Edward Hussey of Scotney Castle Lamberhurst in the county of Sussex esquire and Arthur Wellesley Ward of 40 Park Street Grosvenor Square in the county of London esquire (herein-after called "the Grove trustees") and funds having from time to time been paid to them on the grant of certain easements in respect of the Grove and on the sale of timber which funds have been invested and the interest thereon used for the purpose of maintaining the Grove there now remains thereof in the hands of the Grove trustees a sum amounting to seven hundred and twenty-six pounds fifteen shillings and sevenpence Consolidated Three per Cent. Bank Annuities and a sum of five pounds sixteen shillings in cash or thereabouts (herein-after referred to as "the Grove funds") but owing to the lapse of time it cannot now be ascertained for the benefit of what persons and in respect of the occupancy of what lands the Grove is held and maintained :

And whereas divers persons owning and occupying adjacent property have with the consent of the Grove trustees made entrances into the Grove from their respective premises in respect of which entrances annual rents are paid :

And whereas divers entrances to the Grove have also been made from other adjacent premises without the consent of the Grove trustees and contrary to the provisions of the said indenture and no rents have been paid or received in respect thereof :

And whereas the Grove is now and has been for many years past used by the public as a public pleasure and recreation ground :

And whereas it is expedient that the Grove trustees be authorised to transfer the Grove and the Grove funds to the Corporation and

A.D. 1890. — the Corporation be empowered to acquire the same for the use and benefit of the inhabitants of the borough and the public generally and that the agreement scheduled hereto and made between the Grove trustees of the one part and the Corporation of the other part be confirmed :

And whereas by the Rusthall Manor Act 1863 (reciting the Rusthall Manor Act 1739) the exercise of rights of common of pasture and other rights in the wastes or commons of the manor of Rusthall in the county of Kent (herein-after referred to as "the commons") were regulated and provision was made for the prevention of nuisances thereon and for the protection thereof :

And whereas the Commons being within the borough it is expedient in consequence of the increasing population of the borough and in pursuance of an agreement come to between the Corporation and the lord and freehold tenants of the said manor of Rusthall that the further provisions herein-after contained be enacted for the preservation maintenance regulation and improvement of the commons for the benefit of the inhabitants of the borough and neighbourhood :

And whereas it is expedient that the Corporation be empowered to purchase other lands by agreement for the purposes of this Act as herein-after provided :

And whereas it is expedient that the Corporation be empowered to raise and apply moneys for the purposes and subject to the provisions herein-after contained :

And whereas the Commissioners and the Corporation having in the exercise of their statutory powers from time to time borrowed various sums of money the Corporation on the twenty-fifth day of March one thousand eight hundred and ninety owed on account of these moneys the several sums mentioned in the Sixth Schedule to this Act annexed and amounting in the whole to the sum of two hundred and sixty-three thousand and twenty-five pounds thirteen shillings and sixpence :

And whereas these sums are now respectively secured in different modes with different priorities at different rates of interest and subject to different conditions as to time of repayment and otherwise :

And whereas it is expedient that the Corporation be empowered to consolidate and convert their existing loans and to exercise their statutory borrowing powers for the time being by the creation and issue of corporation stock :

And whereas it is expedient that further powers be conferred upon the Corporation relative to their water undertaking and to public health and local government as herein-after provided :

And whereas it is expedient that such further provisions as are herein-after contained be made with respect to the Corporation and the borough : A.D. 1890.

And whereas an absolute majority of the whole number of the council at a meeting held on the sixth day of November one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the "Kent and Sussex Courier" being a local newspaper published and circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expenses in relation to promoting the Bill for this Act should be charged upon the funds and rates under the control of the council :

And whereas that resolution was published twice in the "Tunbridge Wells Gazette" being also a local newspaper published and circulating in the district and in respect of matters under the control of the Local Government Board has received the approval of that Board and in respect of other matters has received the approval of one of Her Majesty's principal Secretaries of State :

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 fifth day of February one thousand eight hundred and ninety being not less than fourteen days after the deposit of the Bill in Parliament :

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

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

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

PART I.—PRELIMINARY.

1. This Act may be cited for all purposes as the Tunbridge Wells Improvement Act 1890. Short title.

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

Part I.—Preliminary.

Part II.—Water.

Act divided
into parts.

A.D. 1890.

- Part III.—Public Baths.
Part IV.—Buildings and Streets.
Part V.—Private Street Works.
Part VI.—Infectious Diseases and other Sanitary Matters.
Part VII.—Slaughter Houses.
Part VIII.—Overhead Wires.
Part IX.—Hackney Carriages.
Part X.—Licences to Porters and others.
Part XI.—Street Traffic and Police.
Part XII.—Common Lodging Houses.
Part XIII.—The Grove.
Part XIV.—The Commons.
Part XV.—Rating.
Part XVI.—Finance.
Part XVII.—Stock.
Part XVIII.—Byelaws.
Part XIX.—Legal Proceedings.
Part XX.—Miscellaneous.

Incorporation of general Acts.

3. The Lands Clauses Acts (except the provisions thereof with respect to the entry upon purchase and taking of lands otherwise than by agreement) so far as the same are applicable to the purposes of and are not varied by or are not inconsistent with this Act are incorporated with and form part of this Act.

Interpretation of terms.

4. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction:—

“The Commissioners” means the Tunbridge Wells Improvement Commissioners;

“The borough” means the borough of Tunbridge Wells;

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

“The council” means the council of the borough;

“The town clerk” “the surveyor” “the engineer” “the treasurer” “the medical officer of health” “the inspector of nuisances” “the chief constable” mean respectively the town clerk of the borough the borough surveyor the borough engineer the borough treasurer the medical officer of health for the borough the inspector of nuisances for the borough and the chief constable for the borough and include their several deputies;

“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; A.D. 1890.

“The Public Health Acts” means the Public Health Act 1875 and all Acts for the time being in force for the amending or extending of the same;

“The Municipal Corporation Acts” means the Municipal Corporations Act 1882 and any Acts amending the same;

“The Improvement Act” means the Tunbridge Wells Improvement Act 1846;

“The Water Act” means the Tunbridge Wells Water Act 1865;

“Infectious disease” means and includes the diseases specified in section 6 of the Infectious Disease (Notification) Act 1889, and such other diseases as shall from time to time be declared infectious in pursuance of that Act;

“Registered medical practitioner” means any person for the time being registered under the Medical Act 1858 or any Acts amending the same;

“Sanitary convenience” includes urinals waterclosets earth-closets privies ash-pits and any similar convenience;

“Locomotive” means a locomotive propelled by steam or by other than animal power;

“Owner” includes in the case of any building or structure in course of construction or alteration any contractor or builder employed to construct or alter the same;

“Dwelling-house” means any building or part thereof used or intended constructed or adapted to be used wholly or partly for human habitation by day or night;---

“Structure” includes any building wall bridge fence railing balcony hoarding scaffold platform stack of bricks or of timber pier pillar post door gate or other erection construction or building;

“Place of public resort” means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship or as a college or school (not being merely a dwelling-house so used) or as a theatre public hall public concert-room public ball-room public lecture-room or public exhibition-room or as a public place of assembly or meeting for persons admitted thereto by tickets or by payment or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose but shall not include a private dwelling-house used exceptionally or occasionally for any of those purposes;

“Ground floor” used with reference to any building means that floor thereof the upper surface of which is nearest to the level

A.D. 1890.

of the street or ground adjoining the principal or only entrance to such building ;

“Daily penalty” means a penalty for each day on which the offence is continued or repeated after conviction thereof :

The several words and expressions to which meanings are assigned in enactments incorporated with this Act or in the Public Health Acts or which have therein special meanings have in this Act (except where otherwise expressly provided) the same respective meanings unless there be something in the subject or context repugnant to such construction . Provided that in this Act and (for the purposes of this Act) in enactments incorporated with this Act :

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

Act to be executed by council.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation as a municipal authority and as an urban sanitary authority.

Commencement of Act.

6. This Act shall come into operation on the date of the passing thereof unless otherwise expressly provided.

Limits of Act.

7. This Act except where otherwise expressly provided shall apply exclusively to the borough.

PART II.—WATER.

Water rates to be paid in advance half-yearly.

8. Notwithstanding anything contained in the Waterworks Clauses Act 1847 the Water Act or any other Act the water rates payable to the Corporation shall on and after the twenty-ninth day of September one thousand eight hundred and ninety be payable in advance by equal half-yearly payments and the proportion of the half-year's water rate payable to the Corporation from the period at which they contract with a person for the supply of water for domestic purposes until the next half-yearly rate day (which half-yearly rate days shall notwithstanding anything in any other Act be the twenty-fifth day of March and the twenty-ninth day of September) shall be paid in advance at the time of making the contract.

Power to create waterworks renewal fund.

9. The Corporation may if they think fit form a renewal fund to be called “the waterworks renewal fund” to provide for the renewal of their waterworks and mains and such fund shall be formed by

A.D. 1890.

annually appropriating thereto out of the water revenue such sum as they from time to time deem expedient and investing the same at compound interest in or upon any statutory security as herein-after defined and accumulating the same and the Corporation may from time to time or at any time resort to that fund for any such renewals as in this section authorised. The said fund shall at no time exceed the sum of ten thousand pounds but if it be reduced at any time it may be restored to the said amount provided that whenever the fund shall amount to the sum of ten thousand pounds any income arising from the investment thereof shall be carried to the credit of the waterworks revenue account.

10. The Corporation shall not be bound to supply more than one house by means of the same pipe and they may if they think fit require that a separate pipe be laid into each house supplied by them with water. Provided that this clause shall not apply to houses supplied with water by the Corporation at the time of the passing of this Act.

Corporation not bound to supply several houses by one pipe.

11. The Corporation may from time to time sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the Corporation of such meters and fittings as may from time to time be agreed upon between the hirer and the Corporation.

Power to sell or let meters.

12. Before any person connects or disconnects any meter through which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Corporation of putting up meters, &c.

13. Where water is supplied by measure the register of the meter shall be *primâ facie* evidence of the quantity of water consumed.

Register of meter to be *primâ facie* evidence.

14. Every consumer of water of the Corporation shall at all times at his own expense keep all meters belonging to him whereby any water of the Corporation is registered in proper order for

Repair of meters.

A.D. 1890. correctly registering such water in default whereof the Corporation may after three clear days notice to the consumer cease to supply water through such meters provided that the Corporation shall not so cease to supply water if the consumer shall within such three days have placed his meter in proper order for correctly registering the quantity of water passing through the same and the Corporation shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing inspecting and replacing to be done at the expense of the Corporation if the meter be found in proper order but otherwise at the expense of the consumer.

PART III.—PUBLIC BATHS.

Power to utilize Calverley Reservoir as a swimming bath and make byelaws for management of same.

15. The Corporation may utilize for the benefit of the inhabitants of the borough the reservoir formerly used as one of the Calverley waterworks reservoirs as a swimming bath and for that purpose may if and as deemed expedient by them cover the same in and provide all necessary dressing rooms conveniences and appliances and may demand and take for the use of the same charges not exceeding those set out in Schedule II. hereof and the Corporation shall in respect of the said bath be empowered from time to time to make alter repeal and enforce byelaws for the management use and regulation of the said bath and of the persons resorting thereto respectively and for the several purposes expressed in Schedule A annexed to 9 and 10 Victoria chapter 74 intituled An Act to encourage the establishment of public baths and wash-houses.

Copy or abstract of byelaws to be put up.

16. A printed copy or sufficient abstract of the byelaws relating to the use of the said bath shall be put up in some convenient place at or near the said bath.

Application of receipts from baths.

17. All moneys received by the Corporation in respect of the use of the said bath conveniences and appliances connected therewith shall be paid to the credit of the borough fund.

PART IV.—BUILDINGS AND STREETS.

What to be deemed new buildings.

18. From and after the passing of this Act—

The making of any addition to a building covering ground not occupied by such building but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings ; A.D. 1890.

shall for all the purposes of this part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a "new building."

19. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures— Exemptions.

(a) Every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service :

(b) Every building (not being a dwelling house) structure or work in the possession of and used or intended to be used for the purpose of any railway company under the provisions of any Act of Parliament.

20. In all cases plans sections and written particulars or details deposited with the Corporation or the surveyor in pursuance of any byelaw made by the Corporation shall be retained by the Corporation unless the same have been supplied in duplicate when one copy shall be returned with the notice of approval or disapproval signed by the chairman of the committee of the Corporation to whom such plans sections and written particulars or details may have been referred or by the town clerk or by the surveyor. Plans &c.
deposited to
belong to
Corporation.

21. The approval by the Corporation of any plan of new buildings or new street shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say) :— Approval of
plans.

As to plans approved after the passing of this Act within three years from the date of such approval ; and

As to plans approved before the passing of this Act within three years from the passing of this Act :

And at the expiration of these respective periods fresh notice deposits and approval shall unless the Corporation otherwise determine be requisite :

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

A.D. 1890.

Powers to
make
byelaws
as to adver-
tisement
hoardings.

22. The Corporation may from time to time make and enforce byelaws for regulating the erection of hoardings for the exhibition thereon of advertisements and for requiring the proper maintenance and repair of such hoardings when erected and the removal thereof if the same are unsafe :

But this section shall not apply to the erection of hoardings upon the property of the South-Eastern Railway Company or of the London Brighton and South Coast Railway Company.

Power to
prohibit
cellars in
districts
liable to
floods.

23. The Corporation may from time to time unless such precautions as they may require are taken prohibit in any part of the borough liable to be flooded the construction of any cellar or underground storey in any dwelling-house.

Height of
chimneys.

24. With respect to the height of chimneys the following provisions shall have effect namely :—

(1.) All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing-house dye-house gasworks corn-mill foundry or buildings used for manufacturing purposes or for the conveying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto and in all cases where any chimney serves the furnace of a steam-engine the chimney shall be raised to an additional height from such level adapted to the power of such engine according to the following scale (that is to say) If such steam-engine be of more than six horse-power and do not exceed thirty horse-power the height of such chimney shall not be less than eighty feet if such steam-engine be of more than thirty horse-power and do not exceed forty horse-power the height of such chimney shall not be less than one hundred and ten feet and if such steam-engine be of more than forty horse-power the height of such chimney shall not be less than one hundred and twenty feet :

(2.) No portable steam-engine shall after the passing of this Act (except with the consent of the Corporation in writing under the hand of the town clerk) be erected or used within ninety feet of any occupied dwelling-house unless connected with a chimney of such height not less than thirty feet as the Corporation may in each case prescribe but it shall not be permissible for the Corporation in any such case to prescribe a greater height than fifty feet :

(3.) All steam ejected from any steam-engine or the boiler thereof and all steam arising or produced in any trade or business shall

be discharged into a chimney or flue and in such manner as not to be an annoyance to the public: A.D. 1890.

(4.) The foregoing provisions of this section shall not apply to locomotives used upon any railway or tramway or to portable steam-engines in use for agricultural purposes or to traction engines steam-rollers or fire-engines:

(5.) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

25. Every fireplace opening or chimney opening in a new building shall have a sufficient hearth or horizontal slab of durable and incombustible material at the level of the floor extending throughout the length and depth of such opening and to a distance of at least fifteen inches beyond the face of the chimney breast and at least six inches beyond each side of such opening. Every such hearth shall be laid upon a bed of cement concrete brick or other compact and incombustible material having a depth of at least six inches below the upper surface of the hearth. Fireplaces of buildings to have hearths of certain dimensions.

26. No building shall be erected on the side of any new street any portion of which other than dormer windows and chimneys and save as hereafter provided shall project above or be outside a line drawn from a point at the opposite side of such new street such line forming an angle of forty-five degrees with a horizontal line drawn from the same point at the level of the centre of the street immediately opposite the centre of any such building. Provided nevertheless that in the case of a gable facing a new street half the height of such gable may be above or outside such angle and in the case of the erection or re-erection of a building on the site of any building erected prior to the passing of this Act which original building was higher than the limit above described such new building may be erected to the same height as such original building but not to any greater height except with the special sanction of the Corporation. Height of buildings in new streets.

27. In every new building every room used as a dwelling or sleeping room except rooms in the roof shall be in every part thereof eight feet six inches in height at least from the floor to the ceiling and every room in the roof so used shall be at least eight feet in height from the floor to the ceiling through not less than one-half of the area of the room. Provided always that this section shall not apply to rooms or parts of rooms which are additions to or alterations of buildings existing at the time of the passing of this Act. Height of rooms.

A.D. 1890.

Byelaws as to
air space of
old buildings
&c.

28. Subject to the provisions of this Act, the Corporation may from time to time make and vary and enforce byelaws with respect to all or any of the following matters (namely):—

(1.) The preservation of a sufficient space to secure the free circulation of air about buildings erected before the twenty-fourth day of January one thousand eight hundred and sixty-five. Provided always that no byelaw made under this subsection shall require any open space adjoining a building erected before the date aforesaid to be preserved unless such open space exclusively belongs at the time of the passing of this Act to the owner of such old building:

(2.) For regulating the position of cisterns in or in connexion with new buildings:

(3.) The balconies and corbels thereof attached to new buildings:

And the Corporation may further provide for the observance of such byelaws by enacting therein such provisions, as they think necessary as to the inspection of new buildings by the surveyor.

Byelaws to
continue in
force not-
withstand-
ing incor-
poration.

29. All byelaws made by the Commissioners which were in force previous to the incorporation of the district as a borough shall notwithstanding the incorporation of the district into a borough be deemed to have continued in force and to continue in force until they are altered or repealed by the Corporation in manner provided by the Public Health Acts.

As to open
spaces about
buildings.

30. Whenever any open space exclusively belonging to the owner of any building in the borough has in accordance with the byelaws for the time being in force been left in the rear or at the side of such building it shall not be lawful to erect any building whatsoever upon such open space so as to diminish the prescribed open space nor shall such open space be calculated in providing the prescribed open space for or in connexion with any other building which may be erected.

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

31. (1.) Every place of public resort shall to the satisfaction of the Corporation be substantially constructed and supplied with ample safe and convenient means of ingress and egress for the use of the public regard being had to the purposes for which such place is intended to be used and to the number of persons likely to be assembled at any one time therein:

(2.) The means of ingress and egress shall during the whole time that such place is used as a place of public resort be kept free and unobstructed to such extent as the Corporation shall require:

(3.) An officer authorised in writing by the Corporation and producing his authority if so required may at all reasonable times

enter any such place to see that the provisions of this section are carried into effect: A.D. 1890.

(4.) Any person who being the occupier or manager or in the case of a place of public resort let for any period less than one year the owner of any place of public resort uses the same or suffers the same to be used in contravention of this section or fails to comply with the provisions of this section in respect thereof shall for every such offence be liable to a penalty not exceeding twenty pounds :

(5.) Where any alteration in a place of public resort is required in order to give proper means of ingress or egress the court may refuse to inflict a penalty for an offence under this section until a reasonable time has been allowed for making such alteration but the court may make such order as they think fit for the closing or otherwise of such place during such time :

Provided that this section shall not extend to any place of public resort used as a church or chapel or other place of public worship before or at the time of the passing of this Act.

32. Every place of public resort whether erected before or after the passing of this Act shall be provided with sufficient ventilation and drainage Every person permitting any such place to be used without sufficient ventilation and drainage after the expiration of one month's notice in writing under the hand of the town clerk that the ventilation and drainage thereof are insufficient shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Public buildings to be ventilated and drained.

33. All vaults arches and cellars at any time existing under any street within the borough and all openings into such vaults arches or cellars in the surface of any such street and all cellar-heads gratings lights coal-holes valve covers and stop-cock covers existing in the surface of any such street and all landings flags or stones of the path or street supporting the same respectively shall be by the owners or occupiers of the same or of the houses or buildings to which the same respectively belong kept in substantial repair and in good and proper condition and so as not to occasion any injury to the street or to passengers therein and in default thereof it shall be lawful for the Corporation without prejudice to their right to proceed against such owners or occupiers for penalties for breach of this provision after twenty-four hours' notice in that behalf to cause the same respectively to be repaired and kept in good order and the expenses of so doing shall be settled by the surveyor and be paid to the Corporation by such owner or occupier respectively. As to repair of vaults, &c. under streets.

34. The owner of any oven used by any baker for the first time after the passing of this Act and of any furnace used by any tradesman or artificer for the first time after the passing of this Act shall Ovens and furnaces to have

A.D. 1890.
protecting
walls.

construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building in which such oven or furnace shall be and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Corporation.

Fencing in
vacant land
&c.

35. The Corporation may from time to time require—

(1.) Any person being the owner or occupier of any gravel pit sand pit chalk pit or other pit hole or excavation pond or sheet of water within twenty yards of any highway within the borough after notice in writing under the hand of the town clerk so to do to cause such pit hole excavation pond or sheet of water to be fenced in with a fence sufficient to prevent danger to the public :

(2.) Any person being the owner or occupier of any piece of vacant land within the borough respecting which complaint in writing shall have been made to the Corporation by not less than ten ratepayers that it is frequented by noisy or disorderly persons after notice in writing under the hand of the town clerk so to do to erect a fence sufficient to prevent the public having access to such land except by a gate or entrance under the control of such owner or occupier :

And any person who shall neglect or refuse for the space of twenty-eight days after the service of such notice upon him to erect such fence shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Extending
provisions
of sections
75 to 78 of
Towns
Improvement
Clauses Act
1847.

36. Sections 75 to 78 inclusive of the Towns Improvement Clauses Act 1847 shall extend and apply to any structure which is deemed by the surveyor to be dangerous to passengers or to the occupiers of any building Provided that nothing in the said section contained shall render it incumbent upon the surveyor to cause a hoard or fence to be put up in the case of a dangerous chimney.

Safety of
platforms
&c. erected
or used on
public
occasions.

37.—(1.) Whenever large numbers of persons are likely to assemble on the occasion of any show entertainment public procession open-air meeting or other like occasion every roof of a building and every platform balcony or other structure or part thereof let or used or intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons shall be safely constructed or secured to the satisfaction of the surveyor.

(2.) Any person who uses or allows to be used in contravention of this section any roof of a building platform balcony or structure not so safely constructed or secured or who neglects to comply with the provisions of this section in respect thereof shall be liable to a penalty not exceeding fifty pounds.

38.—(1.) Whenever on the plan of any building as submitted to and approved by the Corporation a part of such building is described or shown as or appears to be intended to be separated from the remainder of such building for the purpose of being used as a lock-up shop workshop shed or place of business and not as a dwelling-house the use of such part of such building for the purposes of human habitation shall be an offence against this Act. Every person so using such part of such building or permitting the same to be so used shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty of the same amount:

A.D. 1890.
—
Prevention
of lock-up
shops and
other places
of business
being
improperly
used for
purposes of
habitation.

(2.) Provided that if the said part of such building has in the front and rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act or byelaws for the time being in force with respect to buildings intended to be used as dwelling-houses and if such part of such building has undergone the structural alterations necessary in the opinion of the Corporation for converting it into a dwelling-house or if in the opinion of the Corporation no structural alterations are necessary to render the same fit for use as a dwelling-house the Corporation may on the application of the owner thereof authorise the same to be used as a dwelling-house:

(3.) It shall be lawful for the Corporation or any justice of the peace by warrant under his hand to authorise the surveyor inspector of nuisances or any other officer of the Corporation at any time to enter upon and examine any building suspected of being used in contravention of this section:

(4.) Every person who shall prevent or obstruct any such surveyor inspector or officer so authorised and producing his authority if required from or in making such inspection shall be liable to a penalty not exceeding forty shillings.

39. No building shall be erected (without the consent in writing of the Corporation under the hand of the town clerk) in any existing court on any land on which a building shall not be standing at the commencement of this Act and when in any existing court any buildings shall be burnt or pulled down to or below half the front elevation thereof such building shall unless the Corporation consent otherwise in writing under the hand of the town clerk be entirely pulled down and removed and shall not without such consent be rebuilt:

Existing
courts not
to be rebuilt.

The Corporation shall make compensation to the owner of such building land for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt or of no building being erected as the case may be and in

A.D. 1890. — case of dispute as to the amount of compensation to be made by the Corporation under this section the same shall be settled by arbitration in manner provided by the Public Health Acts.

Gardens
forecourts
&c. to be
fenced off
from streets.

40. Whenever the person erecting any building shall be desirous of leaving any opening or of placing any steps or other projections in any forecourt area or space left in front of such building such forecourt area or space shall if required in writing under the hand of the town clerk be well and sufficiently fenced off from the footpath or street by a railing or parapet or dwarf wall and palisades or otherwise to the satisfaction of the Corporation but where such garden forecourt area or space is free from any steps or other projections the extent of the same or such portion thereof as the person erecting the building may not wish to give to the street may be defined by the owner if he desire so to do instead of constructing a fence by a line of stones or other suitable material three inches or thereabouts wide by twelve inches or thereabouts deep laid flush with the surface of the footpath the object of this enactment being that at the same time footpaths shall be freed from objectionable obstructions and inconvenient differences of level and owners of buildings secured in their full rights over any lands they may wish to retain in front of their buildings.

Power to
vary line of
new streets.

41. The Corporation may vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto The Corporation shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Continua-
tions of
existing
streets to be
deemed new
streets.

42. 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 district be deemed to be a new street and shall (unless with the consent of the Corporation in writing under the hand of the town clerk) be of the full available width at the least of the street of which it shall be a continuation Provided always that such new street shall in no case without the consent of the Corporation in writing under the hand of the town clerk be of less available width than that specified in the byelaws for the time being in force Provided also that this section shall not apply to or in the case of any continuation of any existing street the plan and section of which continuation have been approved of by the Corporation before the passing of this Act Provided further that the Corporation may

allow areas or spaces below the level of the pavement covered to their approval not exceeding three feet wide. A.D. 1890.

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

(2.) The Corporation may purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Corporation as part of the street.

(3.) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons immediately interested in any new building for any loss or damage they may sustain in consequence of such new building being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all loss damage or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept. All compensation under this section shall in case of difference be settled by arbitration in manner provided by the Public Health Acts.

(4.) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a further daily penalty not exceeding the same sum.

44. No coal-shoot area or cellar grating or opening shall be hereafter placed in the footway or carriageway of any street except with the consent of the Corporation and then only if formed of the materials and size and in the manner and in such position and with such protection as may be approved by the surveyor in writing. Coal-shoots &c.

A.D. 1890.

Crossing for
horses or
vehicles over
footways.

45. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made or unless with the consent of the Corporation in writing under the hand of the surveyor he shall for each such offence be liable to a penalty not exceeding twenty shillings.

Recovery
of damages
caused to
footways by
excavations.

46. If the footway of any street belonging to or under the management of the Corporation be injured by or in consequence of any excavations on lands adjoining such footway the Corporation may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavation has been made and may be recovered by the Corporation as private improvement expenses are recoverable under the Public Health Acts.

New
dwelling-
houses to
fulfil certain
require-
ments.

47. No new building shall be occupied as a dwelling-house until the drainage thereof shall have been made and completed and a proper water supply shall have been provided thereto to the satisfaction of the surveyor and if any building shall be occupied contrary to the provisions of this section the owner of such building if he shall occupy or shall allow to be occupied and every person who shall wilfully and knowingly occupy such building as a dwelling-house shall be deemed to have committed an offence against the provisions of this section and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Under-
takings &c.
to bind
successive
owners.

48. Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property

A.D. 1890

of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement and every intending owner or lessee of property shall be entitled to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist.

49. The Corporation may from time to time make vary and enforce by penalties or otherwise byelaws for all or any of the following purposes :— Byelaws
as to sewers
&c.

- (1.) For regulating and prescribing the mode of construction of all new sewers hereafter to be made within the borough ;
- (2.) For regulating the mode in which the communications between any new street and any existing streets are to be effected and providing for the laying down of proper kerbs and the construction of proper crossings to the approval of the Corporation at the expense of the person or persons laying out or constructing such new street ;
- (3.) For prescribing the time and manner at and in which gas mains and other pipes which may be lawfully placed in such new streets are to be laid down in such streets ;
- (4.) For regulating the level at which the ground floor of any new building intended for human habitation is to be with reference to the adjoining ground ;
- (5.) For prescribing the forms of notices to be given by any person proposing to construct a drain to communicate with a sewer under the control of the Corporation and by any other persons who under this Act or under any byelaws made by the Corporation under this Act or the Public Health Acts may be required to give any notice to the Corporation and the time when and any other conditions under which such notices are to be given and the plans and sections (if any) which are to accompany such notices.

50. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for Prevention
and removal
of projections
over streets.

A.D. 1890. hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

PART V.—PRIVATE STREET WORKS.

Interpreta-
tion of
“paving
metalling
and
flagging.”

51. In this part of this Act and in the one hundred and fiftieth and one hundred and fifty-second sections of the Public Health Act 1875 the expression “paving metalling and flagging” shall include macadamizing asphaltting gravelling kerbing and every method of making a carriageway or footway and words referring to paving metalling and flagging shall be construed accordingly.

Private
street works.

52.—(1.) Where any street (being a street within the meaning of section 150 of the Public Health Act 1875 and not being a highway repairable by the inhabitants at large) or any part of a street is not sewered levelled paved metalled flagged kerbed channelled made good and lighted to the satisfaction of the Corporation the Corporation may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this Act called “private street works”) (that is to say) To sewer level pave metal flag kerb channel or make good or to provide proper means for lighting such street or part of a street and the expenses incurred by the Corporation in executing private street works shall be apportioned on the premises fronting adjoining or abutting on such street or part of a street Any such resolution may include several streets or parts of streets or may be limited to any part or parts of a street.

(2.) The surveyor shall prepare as respects each street or part of a street—

- (A.) A specification of the private street works referred to in the resolution with plans and sections (if applicable);
- (B.) An estimate of the probable expenses of the works;
- (C.) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act:

Such specifications plans and sections estimates and provisional apportionments shall comprise the particulars prescribed in the first part of the Fifth Schedule to this Act and shall be submitted to the Corporation who may by resolution approve the same respectively with or without modification or addition as they think fit.

(3.) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in the second part of the Fifth Schedule to this Act and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment. During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the office of the Corporation and shall be open to inspection at all reasonable times. A.D. 1890.

(4.) Provided that whether any such owner object to the proposals of the Corporation or not he may within the said month serve a written notice upon the Corporation that he (subject to his objections if any) undertakes himself to carry out the works according to the specification plans and sections proposed by the Corporation or amended by the court in the section of which the marginal note is "hearing and determination of objections" herein-after mentioned and such owner shall thereupon be entitled to carry out such original or amended works within a reasonable time to be fixed by the Corporation and subject to the superintendence and control of the Corporation or their authorised officers.

53. During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any part of the expenses of executing the works may by written notice served on the Corporation object to the proposals of the Corporation on any of the following grounds (that is to say):— Objections to proposed works.

- (A.) That an alleged street or part of a street is not or does not form part of a street within the meaning of this part of this Act;
- (B.) That a street or part of a street is (in whole or in part) a highway repairable by the inhabitants at large;
- (C.) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate;
- (D.) That the proposed works are insufficient or unreasonable or that the estimated expenses are excessive;
- (E.) That any premises ought to be excluded from or inserted in the provisional apportionment;
- (F.) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection:

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing

A.D. 1890. under the hands of the majority of such joint tenants or tenants in common.

Hearing and determination of objections.

54.—(1.) The Corporation at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the same provisions with respect to stating a case as if the Corporation were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or may amend the resolution plans sections estimates and provisional apportionments or any of them on the application either of any objector or of the Corporation. The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

(2.) No objection which could be made under this part of this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors be paid in the first instance by the Corporation and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

Costs of surveys and superintendence.

55. The Corporation in any estimate of the expenses of private street works may include a commission not exceeding five per centum in addition to the estimated actual cost in respect of surveys and superintendence.

Apportionment of expenses.

56. In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part of a street in respect of which the expenses are to be incurred shall be apportioned according to the frontage of the respective premises.

Amendment of plans &c.

57. The Corporation may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount

of the estimate in respect of any street or part of a street is increased such estimate and the provisional apportionment shall be published in manner prescribed in the second part of the Fifth Schedule to this Act and shall be open to inspection at the office of the Corporation at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment. A.D. 1890.

58.—(1.) When any private street works have been completed and the actual expenses thereof ascertained the surveyor shall make a final apportionment by dividing the actual expenses and the commission aforesaid in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment as the case may be and such final apportionment shall be conclusive for all purposes and notice of such final apportionment shall be published in the manner prescribed in the second part of the Fifth Schedule to this Act and the sums apportioned thereby shall be recoverable in manner provided by this Act or in the same manner as private improvement expenses are recoverable under the Public Health Acts with power for the Corporation to declare any such expenses to be payable by instalments. Final apportionment and recovery of expenses.

(2.) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may by a written notice to the Corporation object to such final apportionment on the following grounds or any of them:—

(A.) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per centum;

(B.) That the final apportionment has not been made in accordance with this section;

(C.) That there has been an unreasonable departure from the specification plans and sections;

(D.) That the interest has been increased by unreasonable delay in ascertaining the expenses or making the apportionment.

(3.) Objections under this section shall be determined in the same manner as objections to the original apportionment.

59.—(1.) Any premises included in the final apportionment and all estates and interests from time to time therein shall stand and remain charged (to the like extent and effect as under the two hundred and fifty-seventh section of the Public Health Act 1875) with the sum finally apportioned on them or if objection has been made against the final apportionment with the sum determined to be Charge on premises.

A.D. 1890. due as from the date of the final apportionment with interest at the rate of four per centum per annum and the Corporation shall for the recovery of such sum and interest have all the same powers and remedies under the Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having power of sale and lease and of appointing a receiver.

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

Recovery of expenses summarily or by action.

60. The Corporation may if they think fit from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum together with interest at a rate not exceeding four per centum per annum from the date of the final apportionment till payment thereof.

Exemption from expenses of incumbent of church.

61. The incumbent minister or trustee of any church chapel or place appropriated to public religious worship which is for the time being by law exempt from rates for the relief of the poor shall not be liable to any expenses of private street works as the owner of such church chapel or place or of any churchyard or burial-ground attached thereto nor shall any such expenses be deemed to be a charge on such church chapel or other place or on such churchyard or burial ground or to subject the same to distress execution or other legal process but the proportion of expenses in respect of which an exemption is allowed under this section shall be borne and paid by the Corporation out of the general district rate.

Power for limited owners to borrow for expenses.

62. All owners of buildings or lands being persons who under the Lands Clauses Consolidation Act 1845 are empowered to sell and convey or release lands may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this part of this Act and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such

sum but so that the principal due on any such mortgage shall be repaid by equal yearly or half-yearly payments within twenty years. A.D. 1890.

63. Whenever all or any of the private street works in this part of this Act mentioned have been executed in a street or part of a street by the Corporation and the Corporation are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large :

Adoption
of private
streets.

Provided that no such street or part of a street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street or part of a street by notice in writing to the Corporation object thereto and in ascertaining such majority owners being joint tenants or tenants in common shall be reckoned as one owner.

64. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Corporation) then on the application in writing of the greater part in rateable value of the owners of the houses and land in such street the Corporation shall within three months from the time of such application declare in writing under their common seal the same to be a public highway and thereupon the said street shall become a public highway and shall be thereafter repaired by the Corporation.

On street
being paved
&c. Corpora-
tion to de-
clare same
public high-
way.

65. The Corporation shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this part of this Act relating to private street works.

Separate
accounts of
expenses
of works.

66. Where any building or land shall be in the possession of a mortgagee or other person having in his own right any charge or incumbrance thereon such mortgagee or other person shall have and may exercise the same powers and remedies for the recovery of any moneys paid by him in respect of charges and expenses recoverable as aforesaid from the owner of such building or land as he has or may exercise for the recovery of the principal money secured by such mortgage or the interest thereon.

Mortgagees
in possession
may recover
moneys paid
by them for
private street
works.

67. Nothing in this part of this Act shall alter the liabilities respecting the payment of any rates or expenses made payable or

Saving for
special
contracts

A.D. 1890. recoverable by this Act or any byelaw thereunder of any owner
and occupier as between themselves under any special contract
relative thereto.

between
landlords
and tenants.

PART VI.—INFECTIOUS DISEASES AND OTHER SANITARY MATTERS.

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

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

Medical
officer of
health may
inspect
diaries &c.
without
borough in
certain cases.

69. In case the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milk store milk shop or place situate beyond the borough or that the consumption of milk from such farmhouse dairy cowshed milk store milk shop or place is likely to cause infectious disease to any person residing in the borough the medical officer of health shall if authorised in that behalf by an order of a justice having jurisdiction where such farmhouse dairy cowshed milk store milk shop or place is situate have power to inspect such farmhouse dairy cowshed milk store milk shop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of milk supplied therefrom he shall report thereon to the Corporation who may thereupon give notice to the occupier of such farmhouse dairy cowshed milk store milk shop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the local authority acting in execution of the Contagious Diseases (Animals) Acts 1878 to

1886 of the district in which such farmhouse dairy cowshed milk store milk shop or place is situate in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the province of such last-mentioned authority Any person refusing to permit the medical officer of health on production of such order as aforesaid to inspect any such farmhouse dairy cowshed milk store milk shop or place or after any such notice not to supply milk as aforesaid has been given supplying any milk therefrom in contravention of such notice or selling it for consumption in the borough until such notice has been withdrawn as aforesaid shall on summary conviction be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings Provided always that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction where the said farmhouse dairy cowshed milk store milk shop or place is situate. A.D. 1890.

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

71. Where the Corporation are of opinion on the certificate of their medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think Further powers in relation to disinfection of premises.

A.D. 1890. fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

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

Detention of infected person without proper lodging in hospital by order of justices.

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

Retention of dead bodies in certain cases prohibited.

74. No person shall without the sanction in writing of the medical officer of health or other registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-

eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. A.D. 1890.

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

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

76. Where the body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or other registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a registered medical practitioner any justice may order the body to be removed at the cost of the Corporation and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the

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

A.D. 1890. execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

77. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance (other than a hearse) which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance to the satisfaction of the medical officer of health shall be liable to a penalty not exceeding five pounds.

Corporation shall provide temporary accommodation during disinfection of dwellings and may provide nurses &c.

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

Penalty for offences under section 84 of Public Health Act.

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

Penalties only recoverable by Corporation.

80. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Corporation.

Saving for Acts relating to dairies animals &c.

81. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any Act amending the same or of any order license or act of the Board of Agriculture or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or the Local Government Board or exempt the dairies milk stores or milk shops or the slaughter-houses to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to

dairies milk or animals already passed or to be passed in this or any future session of Parliament. A.D. 1890.

82. For the purposes of carrying into effect the provisions of sections 120 and 121 of the Public Health Act 1875 or either of those sections the Corporation may by any officer appointed in that behalf and showing his appointment if required so to do enter on any premises between the hours of nine o'clock in the forenoon and six o'clock in the afternoon. Power of entry for purposes of sections 120 and 121 of Public Health Act.

83. The Corporation may from time to time make vary and enforce by penalties or otherwise byelaws for all or any of the following purposes (that is to say):— Power to make bye-laws for certain purposes.

For regulating the admission to and discharge of patients from any hospital temporary or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation :

For providing for and regulating the cleansing emptying and disinfecting of privies ash-pits and receptacles for the deposit of faecal and refuse matter.

84. The Corporation may make byelaws in respect of the following matters namely :— Power to make bye-laws for certain sanitary purposes.

(a) For prescribing the times for the removal or carriage through the streets of any hogwash or any faecal or offensive or noxious matter or liquid whether such matter or liquid shall be in course of removal or carriage from within or without or through the borough :

(b) For providing that the vessel receptacle cart or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid :

(c) For compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage :

(d) For imposing on the occupier of any premises duties in connexion with the removal of house refuse so as to facilitate the work which the Corporation undertake in respect of such removal.

85. Any person who shall cast or cause or permit to be cast into any ash-pit ash-tub or other receptacle for the deposit of refuse any infectious matter without previous disinfection shall be liable to a penalty not exceeding forty shillings. For preventing infectious matter being thrown into ash-pits, &c.

A.D. 1890.

Extension
of section
132 of Public
Health Act
1875.

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

Rooms over
privies &c.
not to be
used as
dwelling or
sleeping
rooms.

87.—(1.) Where any portion of a room extends immediately over any privy (not being a water-closet or earth-closet) or immediately over any cesspool midden or ash-pit that room whether built before or after the passing of this Act shall not be occupied as a dwelling place sleeping place or workroom or place of habitual employment of any person in any manufacture trade or business during any portion of the day or night.

(2.) Any person who after the expiration of one month after the passing of this Act and after notice from the Corporation of not less than seven days so occupies and any person who suffers to be so occupied any such room shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Provision
as to filling
up of cess-
pools &c.

88. If it shall appear to the Corporation by the report of the surveyor inspector of nuisances or medical officer of health that any cesspool or other receptacle used or formerly used as a receptacle for excreta or for the whole or any part of the drainage of a house or any ash-pit or any well disused or otherwise belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool ash-pit or well to be filled up or removed and any drain communicating with such cesspool to be effectually disconnected destroyed and taken away And in case it appears that any such cesspool ash-pit or well is used in common by the occupiers of two or more houses or parts of houses the notice for the filling up or removal of any such cesspool ash-pit or well may be served on any one or more of the owners or

occupiers of such houses and it shall not be necessary to serve such notice upon all such owners or occupiers. A.D. 1890.

89. With respect to any sanitary convenience used in common by the occupiers of two or more separate dwelling-houses or by other persons the following provisions shall have effect:— Sanitary conveniences used in common.

(1.) If any person injures or improperly fouls any such sanitary convenience or anything used in connexion therewith he shall for every such offence be liable to a penalty not exceeding ten shillings:

(2.) If any sanitary convenience or the approaches thereto or the walls floors seats or fittings thereof is or are in the opinion of the Corporation or of the inspector of nuisances or medical officer of health in such a state or condition as to be a nuisance or annoyance to any inhabitant of the borough for want of the proper cleansing thereof such of the persons having the use thereof in common as aforesaid as may be in default or in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default each of those persons shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding five shillings.

90. The Corporation for the purpose of supplying a court or place with a water-closet earth-closet covered ash-pit covered ash-tub or other sanitary accommodation may from time to time purchase by agreement any building and remove the same and execute all consequent structural and other works and the owner or owners of the houses in the court or place benefited thereby shall be liable to pay one-half of the cost of the purchase of such building and the other expenses incurred by the Corporation in the execution of this section and the amount thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place and the amount apportioned to each owner shall be payable by and recoverable from him in a summary manner or as private improvement expenses are recoverable under the Public Health Acts Provided that if any owner feels himself aggrieved as regards either the amount of such expenses or the apportionment thereof he may appeal to a court of summary jurisdiction to determine the amount or apportionment as the case may be. Power to supply courts with water-closets &c.

91.—(1.) Every building used as a workshop or manufactory or where persons are employed or intended to be employed in any trade or business whether erected before or after the passing of Sanitary conveniences for manufactories &c.

A.D. 1890. — this Act shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences having regard to the number of persons employed in or in attendance at such building and also where persons of both sexes are employed or intended to be employed or in attendance with proper separate accommodation for persons of each sex.

(2.) Where it appears to the Corporation on the report of the surveyor that the provisions of this section are not complied with in the case of any building the Corporation may if they think fit by written notice require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient suitable and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4.) From and after the passing of this Act section thirty-eight of the Public Health Act 1875 shall not apply to the borough.

Water supply to closets.

92. Every water-closet shall have a good supply of water laid on and an efficient flushing apparatus attached thereto and shall have an opening as near to the top as practicable communicating directly with the external air or shall be otherwise furnished with sufficient means of ventilation. And all pipes fixed after the passing of this Act for the purpose of immediately supplying water to a water-closet and to the flushing apparatus attached thereto shall be so arranged that water for any other purpose than flushing the closet cannot be drawn therefrom. Any owner of any building who fails to provide efficient flushing apparatus or means of ventilation for any water-closet in or connected with such building in accordance with the provisions of this section and any occupier of any such building who fails to keep a good supply of water to any such water-closet in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Public water-closets urinals and lavatories.

93. The Corporation may erect and maintain or permit to be erected and maintained in any street or public place or on land belonging to them or on land belonging to any person with the consent of the owner lessee and occupier thereof for the time being water-closets urinals and lavatories for the use of the public and may charge for the use of such water-closets and lavatories erected and maintained by them such sum as they may think proper and

the Corporation may make byelaws for the management of such water-closets urinals and lavatories and for the conduct of the persons using the same Every water-closet urinal or lavatory erected by permission of the Corporation under this section shall be subject to such terms and conditions as the Corporation may prescribe with respect to the charges (if any) to be made for the use thereof and for repairing and keeping the same in proper order and for closing or removing the same if and when required by the Corporation but nothing herein shall be held to authorise a charge for the use of a public urinal.

A.D. 1890.

94. If any urinal or convenience now or hereafter erected in or opening upon any street shall in the opinion of the inspector of nuisances be so placed as to be a nuisance or offensive to public decency the Corporation may by notice in writing require the owner to remove such urinal or convenience to a place to be specified by them free from such objection and any person offending against this enactment shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings:

Corporation may require offensive urinal to be removed.

Provided that nothing in this section contained shall extend or apply to any convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

95. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may order the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain upon the premises in a position to be specified in the order a urinal or urinals to the satisfaction of the Corporation and the Corporation may order the owner of any buildings or lands to remove any urinal belonging or attached thereto which appears to them so situated or constructed as to be a nuisance or offensive to public decency and if any person fails to comply with any of the provisions of this section he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty of twenty shillings.

Urinals to be attached to refreshment houses &c.

96.—(1.) Every person who turns or permits to enter into any sewer of the Corporation or any drain communicating therewith—

(a.) Any chemical refuse; or

(b.) Any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit);

Chemical refuse steam &c. not to be turned into sewers.

A.D. 1890.

which either alone or in combination with the sewage is likely to cause a nuisance or to be injurious to health shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2.) The Corporation by any of their officers either generally or specially authorised in that behalf in writing may enter any premises for the purpose of examining whether the provisions of this section are being contravened and if such entry be refused any justice on complaint on oath by such officer made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises may by order under his hand require such person to admit the officer into the premises and if it be found that any offence under this section has been or is being committed in respect of the premises the order shall continue in force until the offence shall have ceased or the work necessary to prevent the recurrence thereof shall have been executed.

(3.) A person shall not be liable to a penalty for an offence against this section until the Corporation have given him notice of the provisions of this section nor for an offence committed before the expiration of seven days from the service of such notice provided that the Corporation shall not be required to give the same person notice more than once.

Corporation
may make
communica-
tions
between
private
drains and
their sewers
on payment
&c.

97. If the owner or occupier of any premises within the borough desires that any private sewer or drain from such premises shall be made to communicate with any sewer of the Corporation the Corporation may and shall make so much of such private sewer or drain as is to be constructed under any public highway and also the junction of such private sewer or drain with the sewer of the Corporation and may and shall execute all necessary works for those purposes upon the reasonable cost or estimated cost thereof being paid to the Corporation or the payment thereof to them being secured to their satisfaction. Provided that if the actual cost of the works herein referred to shall be less than the amount of the estimated cost the Corporation shall reimburse to the person by whom the estimated cost shall have been paid the difference between such actual cost and such estimated cost. Provided also that if the actual cost of such works shall be greater than the amount of the estimated cost the Corporation may recover in a summary manner from the said person the difference between such actual cost and such estimated cost.

Corporation
may agree to
make drains

98. The Corporation may agree with the owner of any premises that any sewer or drain required to be made altered or enlarged by

such owner or any part of such sewer or drain shall as to so much thereof as shall be in a street be constructed made altered and enlarged by the Corporation and the cost price of making altering or enlarging such sewer or drain and also the cost of preparing the requisite plans and sections for and superintending the execution of the works as estimated or certified by the surveyor shall be paid in advance or repaid to the Corporation by the owner so agreeing and in default of payment the Corporation may recover the same from such owner in a summary manner. A.D. 1890.
at expense
of owner.

99. No person shall sweep or cast or permit to flow into any street sewer or drain or over any grating or opening communicating with any sewer or drain any soil earth rubbish filth or offal or any matter or substance which would interfere with the free flow of surface water into the sewer or drain or of the sewage or which would be injurious to the sewers or drains or produce corrosion or decay in the materials thereof or generate noxious or offensive gases or smells and every person so offending shall for every such offence be liable to a penalty not exceeding five pounds. Refuse and
other
injurious
matters.

100. No sewage shall be drained into a surface or storm water drain of the Corporation or into the gutters in any street and no surface water shall be allowed to discharge from a stack or other pipe on to the surface of a footpath or into the gutters in any street and when separate drains for surface or storm water shall have been provided in any street no surface or storm water shall be drained into the sewers which convey sewage in such street Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate drains for surface or storm water the drains whereof would but for the passing of this Act have been sufficient to effectually drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and sewers of such house or premises in order to keep separate the sewage and surface or storm water drainage thereof. Sewage not
to be drained
into surface
water drain.

101. The Corporation may from time to time contract for take and use any leave licence or authority (not being exclusive) to work use or exercise or put in practice any invention under any letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the utilisation treatment dealing with and disposal of sewage excreta and refuse and may enter into and carry into effect Patent rights
as to dealing
with sewage.

A.D. 1890. agreements and arrangements in relation to any such disposal or dealing respectively.

Extension of sections 116 to 119 inclusive of Public Health Act. **102.** The provisions contained in sections 116 to 119 (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough.

Extension of powers as to unwholesome food. **103.** Section one hundred and seventeen (power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 shall extend and apply to every diseased unsound or unwholesome article intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale whether such article be or be not seized and carried away to be dealt with by any justice or ordered by any justice to be destroyed or disposed of as mentioned in such section Provided that the justice before whom any complaints with respect to such article of food is made be satisfied on the evidence laid before him that such article of food was diseased or unsound or unwholesome or unfit for the food of man.

Restrictions as to brick burning. **104.** Every person who shall within two hundred yards of any dwelling-house situate within or near any street burn any bricks or tiles except in a brickyard existing at the passing of this Act shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty for not keeping common passages clean. **105.** If any passages not being public highways leading to several buildings in separate occupations be not regularly and effectually swept and kept clean and free from rubbish or other accumulations to the satisfaction of the Corporation each of the occupiers of the buildings to which the passage leads shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Corporation may if they think fit sweep and clean any such passage and the expense thereby incurred may be recovered in a summary manner in equal proportions from the occupiers of the buildings to which the passage leads.

Penalty on filling up or embanking ground with offensive matter. **106.** It shall not be lawful to raise fill or embank any ground within the borough intended to be used for building purposes with any offensive or unwholesome matter nor shall any building intended or adapted to be used for human habitation be erected on any ground which has been raised filled or embanked with any offensive or unwholesome matter and every person who does or

causes to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings. A.D. 1890.

107. No person shall after the passing of this Act be entitled to keep any swine within one hundred feet of any dwelling-house or public highway in the borough save with the consent of the Corporation and the Corporation may at any time notwithstanding such consent direct the removal of any swine if the same shall in their opinion prove a nuisance or be likely to cause a nuisance and all persons who shall for seven days after notice from the inspector of nuisances continue to keep swine within the borough without the consent or contrary to the direction of the Corporation shall be liable to a penalty not exceeding forty shillings and a daily penalty not exceeding twenty shillings. Restrictions on the keeping of swine within the borough.

PART VII.—SLAUGHTER-HOUSES.

108. From and after the expiration of one month from the date of the notice by the Corporation that they have provided slaughter-houses no person shall except with their consent slaughter any animal in any place within the borough except in such slaughter-houses and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds Provided always that the Corporation shall make compensation to the owner and occupier of any slaughter-house existing at the passing of this Act who shall be injuriously affected by the exercise of the prohibition in this section contained the amount of such compensation in case of dispute to be settled in manner provided by the Lands Clauses Acts for settling cases of disputed compensation. Slaughtering prohibited except in Corporation slaughter-houses when provided.

109. Upon any change of occupation of any building within the borough registered or licensed for use and used as a slaughter-house the person thereupon becoming the occupier or joint occupier shall give notice in writing of the change of occupation to the inspector of nuisances and in case he fails or neglects to give such notice within one month after the change of occupation occurs he shall be liable to a penalty not exceeding five pounds And notice of this section shall be given to all occupiers of registered or licensed slaughter-houses at the time of the passing of this Act and shall be endorsed on all licences hereafter granted. Notice to be given in case of change of occupation of a slaughter-house.

110. If the occupier or one or two or more joint occupiers of any building registered or licensed by the Corporation to be used Power to revoke slaughter-

A.D. 1890.

house
licence if
occupier
convicted of
selling &c.
diseased
meat.

as a slaughter-house shall after the passing of this Act be convicted of selling or exposing for sale or of having in his possession or on his premises as intended for the food of man the carcase of any animal or any piece of meat or any flesh diseased or unsound or unwholesome or unfit for the food of man a court of summary jurisdiction may if it think fit by order cause such building to be removed from the list of registered slaughter-houses or revoke the licence to use such building as a slaughter-house as the case may be during the period such occupier or joint occupier continues in the occupation or joint occupation of such building and the Corporation may thereafter refuse if they think fit to grant a licence for the use as a slaughter-house of any building belonging to or occupied by or which they may reasonably believe is intended to be occupied by the person so convicted.

PART VIII.—OVERHEAD WIRES.

Byelaws
for preven-
tion of
danger from
telegraph
wires &c.

111.—(1.) The Corporation may from time to time make alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across any street (whether before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose.

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

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

(4.) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify

or amend the same as it may think proper and reasonable notice of the intended submission of any such byelaw or of any alteration or repeal thereof for confirmation shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such byelaw shall apply and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any byelaw and all costs incurred by any parties in reference to the application for or objection to the confirmation alteration or repeal of any such byelaw shall be in the discretion of the Board of Trade.

A.D. 1890.

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

(6.) Nothing in such byelaws shall extend to or include any apparatus belonging to any railway company used by them in connexion with their business which now is or hereafter shall be fixed upon posts or supports upon any railway provided such apparatus do not project or be not stretched or placed beyond such railway over any public street or be not stretched or placed over any public street crossing over such railway.

(7.) Nothing in such byelaws shall extend to any works of any Undertakers within the meaning of the Electric Lighting Acts 1882 to 1888 to which the provisions of those Acts apply.

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

As to
existing
telegraph
wires &c.

A.D. 1890. surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

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

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

Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1888 to which the provisions of those Acts apply.

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

114. Nothing contained in this Act shall extend to any post wire tube or other property of the Postmaster-General.

Telegraphic &c. communications between town hall and offices.

115. The Corporation may from time to time provide and maintain for their town hall offices and other establishments whether within or outside the borough and for the stations of the borough fire brigade or the stations of any volunteer fire brigades and the offices and private residences of the officials of the Corporation and the firemen of such brigades such telegraphic or telephonic communication as they may deem fit but such telegraphs and telephones shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1885 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Corporation as if the Corporation were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management.

PART IX.—HACKNEY CARRIAGES.

Prescribe distance for hackney carriages,

116. All byelaws for regulating licensed hackney carriages and the conduct of the drivers thereof and all provisions of this Act and

of the Town Police Clauses Acts 1847 and 1889 for the time being in force within the borough shall apply to licensed hackney carriages and the drivers thereof within a distance of seven miles from the town hall of the borough if the hiring takes place within the borough. Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the borough. Provided also that if the hiring takes place within the borough any offence against any such byelaw whether such offence shall have been committed within the borough or not may be brought before and be determined by any justice or justices of the peace for the borough.

A.D. 1890.

117. The inspector of hackney carriages or the chief constable or any person appointed by them respectively in writing may from time to time examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver or conductor or other person shall obstruct or hinder such inspector chief constable or other person so appointed as aforesaid in the execution of his duties he shall be liable to a penalty not exceeding forty shillings.

Powers of inspector of hackney carriages.

118. The provisions of the Town Police Clauses Act 1847 with respect to the drivers of hackney carriages shall extend and apply to persons drawing or propelling any wheeled carriage licensed to stand or ply for hire in any street within the prescribed distance as though such persons were the drivers of hackney carriages.

Extension to other persons of provisions of Town Police Clauses Act as to drivers of hackney carriages.

PART X.—LICENCES TO PORTERS AND OTHERS.

119.—(1.) The Corporation may from time to time grant to any person whom they think fit a licence to carry on the calling of luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such licence.

Power to require persons following certain callings to be licensed.

(2.) The Corporation may from time to time make alter and repeal byelaws for regulating the conduct of any persons so licensed and for fixing the charges to be made by them.

(3.) Every such licence may be granted for a year or for any less period according as the Corporation may think fit and may be suspended or revoked or endorsed by the Corporation for a breach of such byelaws or whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of this power

Conditions as to licences. Licence may be suspended or revoked.

A.D. 1890. to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.

(4.) Every such licence whensoever issued shall expire on the thirty-first day of May next following the date of its issue and may contain conditions as to the badge which the holder of any such license shall wear.

Penalty on persons carrying on callings without licence.

(5.) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

PART XI.—STREET TRAFFIC AND POLICE.

Repeal of section 179 of Improvement Act.

120. From and after the passing of this Act section one hundred and seventy-nine of the Improvement Act shall be repealed.

Burning garden refuse and lopping &c. trees.

121. The Corporation may from time to time make and vary byelaws for all or any of the following purposes namely:—

For prohibiting at certain times so as to prevent annoyance to any person on any public promenade within the borough any burning of garden or other refuse or rubbish:

For compelling the owners and occupiers of premises abutting on streets to cut and lop trees and shrubs and hedges whether planted for the purpose of ornament or otherwise overhanging such streets so as to cause an obstruction to ordinary traffic:

And any person guilty of any breach of such byelaws shall be liable to a penalty not exceeding forty shillings.

Byelaws for regulating street traffic.

122. The Corporation may from time to time make and vary byelaws for regulating the driving of cattle and dangerous beasts in or through the borough and for prohibiting the driving thereof through certain streets and for prescribing the hours during which and the manner in which the same may be driven and for limiting the number which may be driven at any one time And the provisions of the Municipal Corporation Acts shall apply to such byelaws as if they were byelaws made under those Acts for the good rule and government of the borough.

Circus processions.

123. The following provisions with respect to traffic in the streets of the borough shall have effect (that is to say) The mayor of the borough may from time to time prohibit on certain days or during certain hours any circus procession or any procession

of animals which he may consider likely to cause danger in the streets. A.D. 1890.

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

125. On application to the Corporation by the minister or churchwardens or officials of any church chapel or other place of public worship within the borough the Corporation may make orders for regulating the route by which processions with music or singing shall pass in the neighbourhood of such places of worship during hours of divine service on Sunday Christmas Day Good Friday or any day appointed for a public fast or thanksgiving and any orders so made shall be printed and put up on or near the church chapel or place of public worship to which the same refer and in some conspicuous places near and leading thereto and elsewhere as the Corporation direct and every wilful breach of any such order shall be deemed a separate offence against this Act and every person committing any such offence shall be liable to a penalty not exceeding forty shillings. Provided that this section shall not apply to any of Her Majesty's naval military or volunteer forces. Route of processions &c. during hours of divine service.

126. The Corporation may place or authorise to be placed in such of the streets of the borough as they may think fit except on the commons and the grove suitable erections for the use convenience and shelter of any persons holding a licence from the Corporation under this Act or the Public Health Acts or any Act incorporated therewith and may make byelaws for the management and use of such places and the conduct of the persons resorting thereto and may attach a penalty of not exceeding forty shillings for any breach of such byelaws. Every such erection shall be subject to removal at any time by the Corporation. Shelter for cabmen &c. may be provided.

127. No packing cases crates or other similar articles shall be allowed by any person receiving or delivering the same to rest on any footway or other part of a street within the borough so as to cause obstruction or annoyance to the passage of the public along the same for a longer time than is necessary for loading or unloading such articles and every such person contravening this Obstruction of highways by packing cases.

A.D. 1890. — section shall be liable for each offence to a penalty not exceeding forty shillings.

Obstruction
of highways
by vehicles.

128. No person shall permit or suffer any bicycle tricycle velocipede bath-chair or perambulator to be left standing upon any highway or any part of any highway so as to obstruct or interfere with the ordinary traffic except for a reasonable time and the owner or person in charge of any such vehicle acting in contravention of this section shall be liable for each and every offence to a penalty not exceeding forty shillings.

Washing
yards fore-
courts &c.

129. No yard forecourt passage floor steps or window shall be washed in such a way that water falls or flows upon the pavement except between the hours of four and nine in the forenoon and all persons acting in contravention of this provision shall be liable to a penalty not exceeding forty shillings for each offence.

Public
drinking
fountains.

130. The Corporation may from time to time when and as they think it expedient put up and continue or permit to be put up and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle horses and other animals at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Corporation may think fit but not against any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof and every person who wilfully uses any water so gratuitously supplied elsewhere or otherwise than as hereinbefore mentioned shall forfeit to the board for every such offence a sum not exceeding forty shillings.

Corporation
may set up
refuges &c.
in streets.

131. The Corporation may from time to time place and maintain in any street raised paving or places of refuge posts pillars rails bars chains or other fences either permanent or temporary for the protection of passengers and traffic along the street or for making the crossing thereof less dangerous to passengers or for protecting passengers on any of the footways from injury danger or annoyance and from time to time alter and remove any such raised paving place of refuge post pillar rail bar chain or fence.

Penalty for
using
waggons &c.
with flanged
wheels &c.

132. Every person who drives or causes to be driven along any street within the borough any waggon carriage locomotive or other vehicle having flanged wheels or wheels with any projection other than ordinary cart or waggon tire nails calculated to injure the surface of the street shall be deemed guilty of an offence against this Act and be liable to a penalty not exceeding forty shillings for

each offence in addition to the damage Provided that this section shall not apply to any locomotive constructed in accordance with the provisions of section 28 of the Highways and Locomotives (Amendment) Act 1878 or any Act amending the same. A.D. 1890.

133. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every such person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings. Street musicians to depart when required to do so.

134. The powers conferred upon the council by the Municipal Corporation Acts to make and enforce byelaws for the good rule and Government of the borough shall be deemed to include the power to make and enforce byelaws to regulate or if the council think fit to prohibit the use of any organ or other musical instrument worked by steam or other mechanical means or any steam whistle or horn within the borough Provided always that this section shall not apply to any locomotive or steam engine in use on any railway within the borough. Power to make bye-laws as to steam whistles &c.

135. If two or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers or if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings. Penalty on persons obstructing footway.

136. If any person destroys pulls down injures or defaces any boards or conveniences for the reception of advertisements of the Corporation or any advertisement placard or bill affixed thereto or any placard or notice issued and put up by or under the direction of the Corporation or any notice of the position of a fireplug or hydrant or any board provided by the Corporation on which any byelaw or part of a byelaw of the Corporation is painted or placed such boards placards or notices being affixed in places where the Corporation are legally entitled to affix the same he shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty on pulling down notice boards.

137. Any three or more persons assembled in any part of any street for the purpose of betting or gambling shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings. Betting and gambling in streets prohibited.

A.D. 1890.

Byelaws for prevention of danger from whirligigs shooting galleries &c.

Provisions as to traction engines.

138. The Corporation may make byelaws for the prevention of danger from whirligigs and swings driven by steam power and from the use of firearms in shooting ranges and galleries.

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

- (1) The Corporation shall have the same powers under sections 28 and 31 of the Highways and Locomotives (Amendment) Act 1878 as the Corporation would have under those sections if the borough were a borough having a separate court of quarter sessions and all powers vested by the said sections in the Kent County Council shall be and are hereby in respect of the borough transferred to and vested in the Corporation.
- (2) No person using or conducting any such engine shall supply the same with water from any public fountain trough well or receptacle for water situate in any street within the borough except with the licence of the Corporation and upon such terms as to payment and otherwise as shall be stated therein.
- (3) The term "traction engine" shall not for the purposes of this Act be deemed to include a steam or other locomotive engine used on a tramway.

PART XII.—COMMON LODGING-HOUSES.

Regulations as to common lodging-house keepers.

140. The owner or keeper of every common lodging-house within the borough shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the town clerk shall with the approval of the Corporation in writing under the hand of the town clerk (which approval and registration shall be revocable by the Corporation) reside and remain in such house or manage control and exercise proper supervision over the same and the inmates thereof as the case may be and the Corporation may whenever they consider such person so appointed is not a fit person for the duty appoint and employ another person for the purpose and may recover in a summary manner any moneys paid to such person for his services from the common lodging-house keeper whose duty he performed.

A.D. 1890.

141. Every common lodging-house whether registered before or after the passing of this Act shall be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all water-closets and urinals shall be provided with a proper water supply laid on for flushing purposes.

Sanitary conveniences to be provided for inmates of common lodging houses.

142. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging-house within the borough shall be liable to the penalties imposed by section 86 of the said Act for the offences named therein.

Penalties on unregistered common lodging-house keepers.

143. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

Power to refuse registration of common lodging-house keeper.

144. Notwithstanding anything contained in section 88 of the Public Health Act 1875 it shall be lawful for the Corporation where a common lodging-house keeper has been convicted of any offence against the provisions of the Public Health Acts or of this Act or of any byelaw made under the authority of any of the said Acts in respect of common lodging-houses to cancel the registration of such common lodging-house keeper.

Cancellation of registration of common lodging-house keeper.

PART XIII.—THE GROVE.

145. The agreement made between the Grove Trustees of the one part and the Corporation of the other part a copy whereof is set forth in the Third Schedule to this Act annexed is hereby confirmed and made binding upon the parties thereto.

Confirming scheduled agreement for transfer of the Grove.

146. Forthwith upon the transfer to the Corporation of the Grove under the said scheduled agreement the Grove Trustees shall pay and transfer to the Corporation the Grove funds and the receipt therefor under the hand of the treasurer shall be a full discharge to the Grove Trustees from all claims or demands whatsoever in respect of the Grove funds or any part thereof and from and after the said acquisition and transfer all rights privileges trusts duties and obligations conferred or imposed upon the Grove Trustees under or by virtue of the herein-before recited indenture of April 20th 1703 shall absolutely cease and determine and shall subject to the provisions of this Act and the said scheduled agreement vest in and be binding on the Corporation.

Transfer to Corporation of funds held by Grove Trustees.

A.D. 1890

As to private entrances to the Grove.

147. All persons owning or occupying the buildings and lands mentioned in the Second Schedule forming part of the said scheduled agreement shall so long as the annual rents set against such buildings and lands in the said Second Schedule are respectively paid or after the purchase by the owners of their respective rights under the terms of the said scheduled agreement have a right to use their existing private entrances to the Grove as a means of approach to and from the Grove for all ordinary purposes of all persons having occasion to go to or from such buildings and lands provided that the said right of access shall not be used for the removal of dust the delivery of coals or other similar purposes calculated to interfere with the enjoyment of the Grove as a place of public resort and recreation and all persons contravening this proviso shall be liable to a penalty not exceeding forty shillings and all moneys received by the Corporation in respect of the said annual rents or by virtue of the said penalty shall be deemed to form part of the Grove funds and be applied accordingly.

Owners of private entrances to the Grove may purchase such rights in perpetuity.

148. From and after the passing of this Act all or any of the owners of the buildings and lands mentioned in the Second Schedule forming part of the said scheduled agreement shall have full right and power at any time to purchase and acquire in perpetuity the rights of access to and from the Grove granted to them respectively under the last preceding section on payment to the Corporation of such a sum as shall be equivalent to twenty-five times the annual rent set against such buildings and lands in the said Second Schedule respectively and upon payment of such sum the Corporation shall execute and deliver to the purchaser or purchasers free of cost a duly stamped grant of the said rights respectively under their common seal and the receipt of the borough treasurer for the time being shall be a full discharge for all purchase moneys paid to the Corporation under this section.

Application and investment of Grove funds.

149. The Corporation may apply the Grove funds in carrying out any works of a permanent character to which capital is ordinarily applicable for the improvement of the Grove and pending such application of the whole or part of the Grove funds may invest the same or any unapplied portion thereof or any moneys in their hands applicable to any of the purposes of the Grove in any statutory security as herein-after defined.

Power to Corporation to allow and charge for private entrances to Grove.

150. The Corporation may permit the owners and occupiers of buildings and lands fronting or abutting upon the Grove other than the buildings and lands mentioned in the Second Schedule forming part of the said scheduled agreement to make and use or

continue to use private entrances into the Grove for such periods and upon such terms as to the summary or other closing of such entrances as the Corporation may think fit and may demand and take therefor such yearly rents or other sums as shall be agreed upon between the Corporation and such owners and occupiers and the Corporation shall apply the moneys so received together with the interest arising from the investment of the Grove funds and other moneys as mentioned in the last preceding section in keeping and maintaining the Grove and all matters and things connected therewith in good order and condition.

A.D. 1890.

PART XIV.—THE COMMONS.

151. For the purposes of this Act the commons shall consist of the lands coloured red blue and green (except as herein-after provided) on a plan authenticated by the signature of George Woodyatt Hastings the chairman of the committee of the House of Commons to whom the Bill for this Act was referred and such plan shall be deposited in quadruplicate by the town clerk as follows One copy with the Clerk of the Parliaments one copy with the clerk of the peace for the county of Kent one copy with the conservators of the commons appointed under this Act and one copy with the town clerk (such plan is in this Act and the Fourth Schedule hereto referred to as the deposited plan) A copy of or extract from the deposited plan purporting to be certified as a true copy or extract by the said town clerk or clerk of the peace or clerk of the conservators shall be received in all courts and elsewhere as evidence of the contents of the deposited plan and the said town clerk clerk of the peace or clerk of the conservators shall permit all persons interested in the commons at all reasonable times to inspect and take copies of or make extracts from the deposited plan on payment of a fee not exceeding ten shillings Provided that the lands coloured brown on the deposited plan and specified in the Fourth Schedule hereto shall be excluded from the operation of and shall not be affected by this Act nor by the byelaws herein-after mentioned and shall not be in any way subject to the jurisdiction of the commons conservators herein-after mentioned nor be under their control or management.

Definition
of the
commons.

152. From and after the passing of this Act and notwithstanding anything contained in the Rusthall Manor Act 1863 the management of the commons shall be vested in a body to be called the

Appoint-
ment and
number of
conservators

A.D. 1890.

to manage
the com-
mons.

conservators consisting of twelve persons to be appointed as follows (that is to say):—

One-third to be nominated by the lords lord or lady of the manor of Rusthall for the time being who shall have power to nominate themselves himself or herself and their steward and bailiff or any persons or person as they he or she may think fit;

One-third to be nominated by the freeholders' committee mentioned in the said Rusthall Manor Act 1863 Every person so nominated shall be a registered freeholder and upon parting with his qualification as a registered freeholder shall vacate his office of conservator; and

One-third to be nominated by the council from among the members of the council who upon ceasing to be such members shall also vacate the office of conservator:

And the said lords lord or lady of the manor and the freeholders' committee and the council shall severally have the power to remove at any time any of the conservators appointed by him or them and to appoint another person or other persons in his or their stead.

Appoint-
ment of first
conserva-
tors and
successors.

153. The first appointment of conservators shall be made as soon as conveniently may be after the passing of this Act and the next appointment of conservators shall be made on the ninth day of November one thousand eight hundred and ninety-one or as soon thereafter as conveniently may be and the succeeding appointments of conservators by the lords lord or lady of the said manor and the said freeholders' committee shall be made triennially on the ninth day of November or as soon thereafter as conveniently may be and the succeeding appointments of conservators by the council shall be made annually on the ninth day of November or as soon thereafter as conveniently may be And the conservators so respectively appointed as aforesaid shall hold office until the appointment of their several successors and no longer.

Deficiency
in numbers
not to in-
validate acts
of conserva-
tors.

154. In the event of any neglect delay or default occurring in any nomination of a conservator or conservators the other conservators duly nominated and appointed as aforesaid shall nevertheless be deemed to be and shall be a duly constituted body for the purposes of this Act and any proceedings consequent thereon and may act and proceed accordingly.

Provision as
to casual
vacancies.

155. Any conservator going out of office resigning or otherwise ceasing to be a conservator may be again nominated a conservator In the event of any vacancy in the number of conservators by death resignation or otherwise between the times fixed for nomination as aforesaid the conservators for the time being shall continue to be as competent to act as if no such vacancy or deficiency in number had

occurred Provided that in the case of the death resignation or other incapacity of any conservator the person or persons or body corporate whose nominee he was may immediately nominate another conservator to supply his place but each person so nominated shall retain his office so long only as the vacating conservator would have retained the same if no such vacancy had occurred. A.D. 1890.

156. No conservator shall receive any remuneration or hold any office of profit under this Act or any proceeding consequent thereon Provided nevertheless that nothing in this section contained shall operate to prevent the steward or bailiff of the lords lord or lady of the manor from receiving remuneration or holding any office of profit other than under this Act. Conservators to act gratuitously.

157. No act of the conservators shall be invalidated or be illegal by reason of any irregularity or omission in or about any appointment of any conservator or in or about any matter preliminary or incidental thereto. Irregularity of appointment not to invalidate acts of conservators.

158. The conservators shall hold meetings for transacting business under this Act and any proceedings consequent thereon four times at least in every year and at such other time or times as may be expedient for properly executing their powers and duties and shall from time to time make regulations with respect to the summoning notice place management and adjournment of such meetings and generally with respect to the transaction and management of their business. Meetings of conservators.

159. No business shall be transacted at any meeting unless five conservators at least are present thereat. Quorum at meetings.

160. All questions shall be decided by a majority of votes five conservators at least being present and voting and the names of the conservators present and voting shall be recorded so as to show whether each vote given was for or against the question. Decision of questions.

161. The mayor of Tunbridge Wells for the time being if elected a conservator shall be ex-officio chairman of the conservators and shall preside at all meetings at which he is present but in case he shall not be elected a conservator or if so elected he shall be absent from any meeting at the time appointed for holding the same the meeting shall appoint one of the conservators then present to be and he shall be chairman of such meeting At every meeting of the conservators the chairman of the meeting shall in case of equality of votes on a division have a second or casting vote. Appointment of chairman of conservators.

162. The conservators shall from time to time provide and maintain such offices as may be necessary for transacting their Conservators to provide offices.

A.D. 1890. business and that of their officers and servants under this Act or any proceedings consequent thereon.

Authentica-
tion of
documents.

163. Until the contrary be proved a copy of a resolution of the conservators signed and certified by the clerk to the conservators to be a true copy shall be sufficient evidence of the passing of such resolution without further or other proof of the signature of the said clerk or of the said resolution having been duly passed.

Minutes of
proceedings
to be kept.

164. The conservators shall have power to appoint a committee or committees for any purpose and may delegate to such committee or committees any of their powers and duties and shall cause minutes of the proceedings of the conservators and of every committee appointed by them with the names of the conservators who shall attend such meeting to be duly made from time to time in books to be provided for the purpose which shall be kept by the clerk to the conservators under the superintendence of the conservators and every entry shall be signed by the chairman of the meeting at which the proceedings took place or by the chairman at the next following meeting and such entry so signed shall be received as evidence in all courts and before judges justices and others without proof of such meeting having been duly convened or held or of the persons attending such meeting having been or being conservators or members of a committee respectively or of the signature of the chairman or of the fact of his having been chairman all of which last-mentioned matters shall be presumed until the contrary is proved and such books shall at all reasonable times be open to the inspection of every conservator The conservators shall from time to time appoint a fit and proper person to be their clerk and they may if they think fit appoint the town clerk to be clerk to the conservators Provided nevertheless that the present town clerk shall be the first clerk to the conservators.

Appointment
of treasurer
and officers
&c.

165. The conservators shall from time to time appoint a fit and proper person to be their treasurer and shall appoint or employ such common keepers and other officers and servants as they may think necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the commons and otherwise for the purposes of this Act and any proceedings consequent thereon so far as such Act and proceedings relate to or affect the commons and may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed altering such rules as occasion may require and the conservators may pay out of the moneys to be received by them under this Act or any proceedings consequent thereon to their officers and servants such

reasonable wages salaries or allowances as they may think proper and every officer and servant of the conservators shall be removable by the conservators at their pleasure. A.D. 1890.

166. The conservators may execute any works of drainage and improvement of the commons so far only as may be required for the purposes of this Act or any proceedings consequent thereon and shall to the extent of their ability preserve the turf trees and grass and for this purpose may enclose by fences for short periods such portions as may require rest to revive the same and may plant trees on the said commons and enclose the same with fences to protect such trees all fences to be of such a character as not to be likely to injure cattle sheep or other animals and may make necessary paths and provide and place seats for the accommodation of the public in convenient parts thereof No house or other building shall be erected on the said commons except tents for games or amusements or removable lodges if required for the better maintenance or management of the said commons or for purposes ancillary to the recreation of the public But such tents or lodges shall not without the consent of the conservators be allowed to remain more than six days at one time or on Sundays Good Fridays or Christmas Days.

Power of conservators to execute works.

167. The inhabitants of Tunbridge Wells and the neighbourhood shall have free access to and a privilege at all times of playing and attending at games and of enjoying all other species of lawful recreation upon the commons without payment but subject to such byelaws and regulations as are herein-after mentioned and with power for the conservators as they may consider expedient to set apart any portion or portions of the said commons for cricket football or other games and to form any cricket or football ground or grounds and to inclose the same with posts and chains or with open fences so as to prevent cattle straying thereon and to prescribe or arbitrate as to the persons or associations of persons who shall use the same for playing cricket football or other games and the times when and for how long the particular persons or associations of persons may exclusively use the same for playing at cricket football or other games as aforesaid.

Inhabitants of Tunbridge Wells and neighbourhood to have free access to commons.

168. The conservators shall maintain the commons free from all encroachments except as herein provided and also except that they shall have power to permit temporary enclosures to be made and tents or booths to be erected on such occasions as they shall think fit It shall not be lawful for any persons other than the conservators without the consent in writing of the conservators under the hand of their clerk to make any temporary or other

Commons to be preserved from encroachments.

A.D. 1890. inclosure of any part of the commons or to put any tents removable lodges fences posts rails or other matters or things thereon or to make any road or footpath except over such portions of the commons as are coloured red on the deposited plan or to lay any sewer drain pipe waterway or other work of a like nature in or through any part of the commons Provided nevertheless that this clause shall not interfere with any right of the council to make and maintain such sewers as may be necessary for effectually draining the borough for the purposes of the Public Health Acts Provided also that the council notwithstanding as aforesaid shall have exercise and be subject to all the powers authorities duties and liabilities of surveyors of highways under the law for the time being in force so far as regards any highway over the commons.

Commons to be deemed a street for police purposes.

169. For the purposes of police the commons shall be deemed a street and place of public resort and the powers and duties of all police constables in relation to public safety and preservation of order decency and protection of property shall extend thereto.

Regulation of public speeches &c. on the commons.

170. From and after the passing of this Act it shall not be lawful to deliver utter or read aloud any public speech lecture prayer scripture sermon address discourse or other matter of any kind or description whatever or to sing any sacred or secular song or to enter into any public discussion maintaining the right to deliver utter or read aloud any public speech lecture prayer scripture sermon discourse address or other matter or to hold or cause or take part in any public assemblage or (without the consent of the conservators) to play any musical instrument upon any road or footpath on the commons or upon any portion of the commons other than the portion coloured green upon the deposited plan Any person offending against the provisions of this section shall be subject to a penalty not exceeding forty shillings and it shall also be lawful for any constable of the borough or officer of the conservators to remove from the commons any person so offending.

Power to make byelaws.

171. The conservators shall as soon as conveniently may be by writing under the hands of three conservators frame byelaws for the efficient working and carrying into effect the objects of this Act so far as relates to the commons and may from time to time in the same manner frame additional byelaws or repeal or amend existing byelaws The byelaws may be directed to all or any of the following purposes or objects (that is to say):—

- (1) The government control improvement and management of the commons and the preservation of good order and conduct among persons frequenting them.

- (2) The exclusion and removal therefrom of prostitutes gipsies beggars rogues and vagabonds gamblers card sharpers squatters settlers and exhibitors of infamous or indecent books prints photographs or pictures or other objects or persons guilty of brawling fighting or quarrelling or using indecent or improper language or any idle or disorderly person and the apprehension of all offenders so that all such persons may be dealt with according to law. A.D. 1890.
- (3) The protection of walls railings fences lamp-posts trees bushes gorse heather walks and other things therein.
- (4) The prevention of nuisances annoyances obstructions and encroachments.
- (5) The prevention of the deposit of road sand or rubbish or other matter.
- (6) The prevention of the taking cutting or digging fring or otherwise injuring turf sods gravel clay sand gorse heather ferns bracken bushes trees and the like.
- (7) The prevention of bird catching bird trapping and the robbing of birds' nests or eggs.
- (8) The prevention of shooting or chasing of game pigeons or other birds rabbits or any other animals thereon.
- (9) The regulation and control of assemblages of persons thereon and of sports and games played there and the use thereof by volunteer corps and others.
- (10) The regulation of the use of animals and carriages let out for hire thereon and of the drivers of carriages and of persons letting out for hire or using animals or carriages thereon and in general the regulation of riding on the commons.
- (11) The prevention of vehicles including bicycles tricycles and velocipedes being driven or horses being exercised by grooms or others on any part of the commons not set apart by the conservators for the purpose.
- (12) The prohibition and prevention of any new roads or ways being formed across the commons or any of them save with the consent of the conservators and subject to the conditions and restrictions prescribed by them Provided always that this sub-section shall be limited to the main portions of the commons and shall not extend to such portions as are coloured red on the deposited plan.
- (13) The prohibition and prevention of the fouling of any ornamental or other lakes ponds or waters the regulation of skating and sliding thereon the prevention of the destruction

A.D. 1890.

or injury of aquatic or other birds or of other animals or of fish therein.

(14) The prevention of the posting of bills or placards and the writing stamping cutting painting drawing or marking in any manner of any word or character or of any representation of any object on any of the rocks on or about the commons or on any wall railing fence tree lamp-post walk pavement or seat or elsewhere and the prevention of any other injury to or the removal of any such rocks wall railing fence tree lamp-post walk pavement or seat.

(15) The regulation and if need be the prohibition of placing drying or bleaching of clothes household linen or other materials or things and the beating and cleansing of carpets or like articles.

(16) The temporary enclosure of portions of the commons for the protection and renewal of the herbage thereon.

(17) Generally the prevention of all acts and things tending to the injury or disfigurement of the commons or the interference with the use thereof by the public for purposes of exercise and recreation.

(18) The imposition of penalties for breach of the byelaws.

The penalties to be imposed for breach of the byelaws shall be such reasonable penalties as the conservators shall think fit not exceeding the sum of forty shillings for each offence and a daily penalty not exceeding the sum of twenty shillings Provided always that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Confirmation
of byelaws.

172. No byelaws shall be of any validity until the same have been confirmed by the Secretary of State and no repeal or amendment of any existing byelaw or byelaws shall be valid until the same has been confirmed in like manner.

Notice of intention to apply for such confirmation shall be given twice in some newspaper published and circulating in the county of Kent one month at least before the making of such application And for one month at least before any such application a copy of the proposed byelaws shall be kept at the office of the conservators and at the town hall of the borough and be open during office hours thereat to the inspection of any inhabitant of Tunbridge Wells and the neighbourhood without fee or reward and the conservators shall at any time furnish every person who shall apply for the same with a printed copy thereof on payment of a sum not exceeding one shilling for each copy.

After due confirmation a copy of any byelaw or byelaws certified under the hand of the clerk to the conservators to be a true copy and that the byelaw or byelaws certified has or have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the validity of such byelaw or byelaws so far as the authenticity and due making and confirmation thereof are concerned. A.D. 1890.

All byelaws made by the conservators shall be legibly written or printed at length on boards of suitable size and placed on such parts of the commons (not less than three) as to the conservators may seem desirable.

173. Any penalty imposed by or under any byelaws as aforesaid may be recovered together with the costs of the proceedings in manner provided by the Commons Act 1876 or any Act amending the same and all proceedings for the recovery of any such penalty shall be had or taken by the conservators and the penalty recovered shall be paid to the conservators and shall be applied in aid of the costs and expenses of carrying into effect the provisions herein contained. Recovery and application of penalties.

174. The conservators may from time to time appoint officers for securing the observance of this part of this Act and of the byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose. Power to conservators to appoint officers.

175. Except for those persons who are by law entitled it shall not be lawful to turn out any cattle horses sheep or other animals on the commons but the persons who are by law entitled may continue to exercise their lawful right of turning out cattle or other animals as if this Act had not been passed but no further or otherwise. Only commoners to turn out cattle to graze on commons.

176. The conservators shall be entitled to impound horses cattle sheep and other animals unlawfully straying on the commons and for that purpose may if they think fit use any pounds belonging to the manor. Conservators entitled to impound stray cattle &c.

177. Nothing herein contained shall be construed as placing any public roads or highways on or across the commons under the care of the conservators. Conservators not to manage roads over commons.

178. All costs and expenses incurred by the conservators in respect of this Act and any proceedings consequent thereon from time to time and at all times shall be defrayed by means of half-yearly payments in advance to be made to the conservators by the Corporation not exceeding the sum of one farthing in the pound on Costs of commons how defrayed.

A.D. 1890. the rateable value for the time being of the property within the borough and by means of any other moneys applicable to the purpose which may come to the hands of the conservators by way of subscription penalty donation or otherwise The payments so to be made by the Corporation shall be charged to and paid out of the district fund and nothing herein contained shall affect any power which the Corporation may have of voting a sum or sums of money for or towards such costs and expenses beyond the said annual sum.

With respect to the rights of the lord of the manor.

179. From and after the passing of this Act in consideration of the payment by the Corporation of the sum herein-before mentioned towards the expenses incurred by the conservators and of the sum of two hundred pounds to the lord of the manor all the right of the lord of the manor for the time being to cut down or remove trees and other timber from time to time growing or situate upon the commons shall cease provided that if any of such trees shall after the said date be blown or otherwise thrown down die or be cut down by the conservators then and in every such case such tree shall thereupon belong to and become the property of the said lord Provided that nothing in this clause contained shall prohibit the lord of the manor from trimming or brushing up the branches of any tree which may obstruct the access of light to or overhang or be otherwise prejudicial to any house belonging to him on the commons.

Saving of rights.

180. Saving always to all persons and bodies politic and corporate and their respective heirs successors executors and administrators all such estates interests or rights of a profitable or beneficial nature in over or affecting the commons or any part thereof as they or any of them had before the passing of this Act by Parliament or could or might have enjoyed if this Act had not been passed.

Power to acquire rights of lord and freeholders in Rusthall Commons.

181. The Corporation may by agreement purchase and acquire the commons together with all rights of common commonable rights rights of way and other rights estates interests and privileges whatsoever of the lord of the manor freehold tenants or others in over or affecting the same or any part thereof and upon every such purchase or acquisition the Corporation may extinguish or retain and exercise all or any of such rights and privileges and do all such things and execute such works as they from time to time shall deem necessary for the maintenance preservation and improvement of the commons as places of public exercise and recreation.

182. The Corporation may by agreement purchase and acquire all the rights of the lord of the manor to open mines quarries pits or other like excavations and also the rights of the lord of the manor freehold tenants or others to work dig up use or dispose of any minerals gravel stone or other matters and upon every such purchase or acquisition the Corporation may extinguish or retain and exercise all or any of such rights.

A.D. 1890.

Power to acquire quarry rights.

183. For the purposes of the above authorised purchase or acquisition the Corporation and the persons at present constituting the freeholders' committee mentioned in the Rusthall Manor Act 1863 shall be respectively considered as promoters of an undertaking and as a committee acting and appointed under the provisions of sections 103 and 104 of the Lands Clauses Consolidation Act 1845 and any money to be paid by the Corporation to or on account of the freehold tenants of the said manor may be paid to the said committee who are authorised to execute the deed of conveyance receive such money and give due discharge and the Corporation shall not be bound or concerned to see or inquire as to whether the committee were duly appointed.

Purchase to be effected under Lands Clauses Consolidation Act 1845.

184. The purchase under the foregoing powers shall be evidenced by a duly stamped deed of conveyance which shall within three months from the date thereof be produced to the Commissioners of Inland Revenue. and in default of such production the ad valorem stamp with interest at the rate of five per centum per annum shall be recoverable from the Corporation together with full costs of suit and all costs and charges attending the same.

Conveyance to be stamped.

185. From and after the purchase or acquisition as aforesaid by the Corporation of the commons and all rights of common commonable rights rights of way and other rights estates interests and privileges of the lord of the manor the freehold tenants and others therein all the powers rights duties capacities liabilities obligations and property exerciseable by attaching to or vested in the conservators under this Act shall pass to and be exerciseable by and be vested in the Corporation.

Transfer of powers.

186. And whereas the lords of the manor of Rusthall claim the soil and freehold of the commons and the minerals under the same and the freehold tenants of the manor claim rights of pasturage and other rights in and over the commons Be it enacted that nothing in this Act shall affect the rights in and over the commons so claimed as aforesaid except so far as is necessary for the purposes contemplated by this Act and that the improvement of the commons and the prevention of nuisances thereon and other

With respect to rights in and over the commons.

A.D. 1890. purposes of a like nature shall be deemed to be purposes of this Act. Provided always that nothing herein contained shall affect the right of the lord or lords lady or ladies for the time being of the manor to the gravel stone mines or minerals under the commons and to work the same or the right of such lord or lords lady or ladies in the event of any part of the commons being required by any railway company or any other public or private company or body for the purposes of their undertaking to receive the same amount of purchase money or compensation money for the same as he they or she would have been entitled to claim or receive in case this Act had not been passed.

PART XV.—RATING.

Buildings erected since last valuation list may be valued and rated.

187.—(1.) If after the making of the valuation list or if there be none then after the making of the last poor rate and before the making of the next borough or general district rate by the Corporation any building be newly erected which would be assessable to the poor rate the Corporation may cause such building to be valued by a competent valuer or may accept the assessment made by the overseers of the parish under section 38 of the Poor Law Amendment Act 1868 and the Corporation may in making the assessment for such borough or general district rate include such building therein.

(2.) For the purpose of every such valuation the valuer with his assistance may at all reasonable hours until the same is completed enter and survey all and every part of the property to be valued and do any act or thing necessary for the making of such valuation and the valuer may accept any valuation tendered to him which he may consider just and true.

(3.) If any person think himself aggrieved by any rate made on the basis of such valuation he may at the first meeting of the Corporation held after the publication of such rate after giving three clear days' notice in writing to the Corporation apply to the Corporation for relief and they may grant such relief as they may think right and may amend such rate accordingly.

Power to levy rates by instalments.

188. The Corporation may levy any rate they are for the time being authorised to make either in one sum or by any number of instalments of such amounts and to be paid at such times within the same financial year as they shall from time to time fix and determine at the time of making the rate but if the rate is made payable by instalments and is collected by the Corporation the demand note shall in addition to other requisite particulars

state the time appointed for payment of each instalment and all the powers rights and remedies of the Corporation and their officers for levying and recovering any such rate shall extend and apply to each instalment thereof as if the same were a separate rate.

A.D. 1890.

189.—(1.) The Corporation may if they think fit from and after the commencement of this Act by resolution of the council determine themselves to levy collect and recover as well as to make and assess all or any of the municipal rates as herein-after defined.

Corporation
may collect
municipal
rates.

(2.) After the passing of the aforesaid resolution the council shall from time to time make any municipal rate of the amount in the pound necessary for raising the sum estimated by the council to be required for the purposes to which such rate is applicable but subject to any limitation of amount to which any such rate is subject.

(3.) Every municipal rate so made by the council shall (subject to the provisions of this Act) be assessed on and levied from the occupiers of all hereditaments in the borough for the time being by law assessable to any rate for the relief of the poor and shall be assessed on the full net annual value of such property as ascertained by the valuation list for the time being in force or if there be none by the rate for the relief of the poor made next before the making of the assessment under this Act.

(4.) Subject as aforesaid the council may make assess levy collect and recover any such municipal rate in the same manner as and with and under the same provisions (except as to reductions in the assessment and deductions from the amounts of rates) with which they make assess levy and recover the general district rates and they may so make assess levy collect and recover the same rates either together or as separate rates.

(5.) They may employ and pay such clerks collectors and other persons as may be required for the purpose of this section and the Corporation and persons so employed shall as nearly as may be have the like powers rights and remedies for and be subject to the like obligations with respect to the making assessing levying collecting and recovering of such rates as overseers have and are subject to by law in relation to poor rates and the obligations and duties of the overseers and their collectors shall on the exercise by the Corporation of the powers of this section cease in relation to the making assessing levying and collecting of the said rates within the borough.

(6.) Nothing in this section shall prejudice or affect the collection and recovery by the overseers of any borough rate or municipal rate made before the Corporation so exercise the said powers.

A.D. 1890. (7.) Nothing in this Act shall be construed to require any municipal rate to be allowed by justices.

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

Definition of municipal rates.

190. In and for the purposes of this and the last preceding section the expression municipal rates means and includes the borough rate and watch rate and all other rates or contributions (general or special) which the council are authorised to levy under this Act or to levy or cause to be levied under or for the purposes of the following Acts (namely):—

The Public Libraries (England) Acts 1855 to 1889 and any Act amending the same;

The Elementary Education Acts 1870 to 1879 and any Act amending the same;

The Municipal Corporations Act 1882 and any Act amending the same;

and any other public or local Act or Acts for the time being and from time to time hereafter in force authorising the Corporation or the council to levy or cause to be levied or to pay or provide any rate contribution sum of money or payment on the same basis as or out of the borough rate.

PART XVI.—FINANCE.

Borrowing.

Expenses of execution of Act.

191. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of them as are incurred in respect of carrying out the provisions of Parts II and III hereof which shall be paid out of the rates and charges for water supplied under the Water Act and the borough fund respectively and except such of them as are to be paid out of borrowed money) shall be paid out of the district fund and general district rate.

Power to borrow.

192. The Corporation may from time to time (in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public or local Act or Provisional Order) borrow at interest on mortgage of the following securities and for the following purposes being purposes to which capital is

properly applicable and not otherwise the following sums (that is to say) :— A.D. 1890.

On the security of the borough fund and borough rate—

For paying the costs charges and expenses of this Act as defined by the section of this Act of which the marginal note is “Costs of Act” :

On the security of the respective funds and rates held by the holders of securities next herein-after referred to as security for the principal moneys advanced by them—

For making reasonable payments to holders of securities of the Corporation for their consents or for otherwise compensating them for the payment off or redemption of or substitution for their securities the sums requisite for those purposes :

On the security of the district fund and general district rate—

For any other purposes of this Act such sums as shall be necessary and as may from time to time be sanctioned by the Local Government Board :

And in calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and reborrowing shall not be restricted by any of the provisions of the Public Health Acts.

193. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :— Provisions as to mortgages.

Section 236 (form of mortgage) ;

Section 237 (register of mortgages) ;

Section 238 (transfer of mortgages) ; and

Section 239 (receiver may be appointed in certain cases).

194. If in the opinion of the Corporation it is desirable that all such moneys already borrowed and now owing by them as are shown in Part I of the Sixth Schedule hereto should be repaid in a uniform period they may at any time within one year from the passing of this Act and subject to the rights of the holders of the securities for the said moneys pass a resolution that the same shall be repaid within thirty-seven years from the twenty-fifth day of March one thousand eight hundred and ninety and thereupon and subject to such rights as aforesaid all provisions subsisting at the passing of this Act prescribing the time at which or the mode in which moneys borrowed and then owing shall be repaid shall be as regards the said moneys shown in Part I of the said Sixth Schedule hereby annulled and repealed and the Corporation shall repay or As to repayment of borrowed moneys.

A.D. 1890. — make provision for repaying all such moneys within thirty-seven years from the said twenty-fifth day of March:

The Corporation shall repay or make provision for repaying all moneys borrowed by them under the powers of this Act within the respective periods herein-after mentioned from the date when the same shall be respectively borrowed:—

Moneys borrowed for the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing master of the House of Lords or the House of Commons including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid within ten years:

Moneys borrowed under the powers of this Act for making payments to holders of securities of the Corporation for their consents or for otherwise compensating them for the payment off or redemption of or substitution for their securities within the respective periods allowed for the repayment of the loans in respect of which such payments were made:

Moneys borrowed for any other purposes of this Act under the sanction of the Local Government Board within the respective periods fixed by that Board:

The repayment of all moneys to which the provisions of this section apply shall be effected by equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of sinking funds;

Or partly by such instalments and partly by sinking funds:

And the sinking funds shall be provided as follows:—

The Corporation in every year on the respective dates in that behalf by this section prescribed shall appropriate and set apart out of the funds and rates and other receipts on the security of which such moneys shall have been borrowed such equal sums as will with the accumulations thereof by way of compound interest calculated at three per cent. be sufficient to pay off within the respective periods by this Act prescribed the principal moneys borrowed on such security which are to be repaid by sinking funds:

The first payment to the said sinking fund or first payment of the said instalments as the case may be shall be made as follows:—

For repayment of moneys mentioned in Schedule VI Part I within one year from the twenty-fifth day of March next after the date of the passing of the resolution mentioned in this section:

For repayment of moneys to be borrowed under this Act within one year from the twenty-fifth day of March next after the date of borrowing: A.D. 1890.

Provided as follows (that is to say):—

- (a.) The amount which should be standing to the credit of every sinking fund on the twenty-fifth day of March next after the date of the aforesaid resolution shall be made up out of the district fund and general district rate and the revenue of the waterworks as the case may be and shall be transferred to the corresponding sinking fund to be accumulated under this Act for the like purpose:
- (b.) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities as herein-after defined and if and as often as the rate of interest by investment as aforesaid is not equal to the prescribed rate of accumulation any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund:
- (c.) The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per cent. on which the calculation for the payments to the sinking fund are based Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as the borrowed moneys then outstanding shall be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto:
- (d.) If at the expiration of the aforesaid uniform period of thirty-seven years from the twenty-fifth day of March one thousand eight hundred and ninety any securities granted

A.D. 1890.

before the passing of this Act the holders of which cannot be compelled to accept payment of the sums due to them within that period are still outstanding the Corporation shall keep invested after the expiration of that period such portion of the aforesaid sinking fund as shall be sufficient to pay off the principal moneys borrowed on such securities and the Corporation shall pay off the same as they respectively become due and the interest on any such principal moneys after the expiration of the said uniform period and until such principal moneys are respectively paid off as herein-before provided shall be paid out of the interest and annual proceeds of the moneys which the Corporation are by this sub-section empowered to keep invested as aforesaid and if at any time such interest and annual proceeds are insufficient to pay in full the interest on the said principal moneys the deficiency shall be made good out of the respective funds or rates which at the passing of this Act are liable in respect of the said principal moneys and in the order in which the same are so liable :

Notwithstanding anything in this section contained all existing provisions for the repayment of borrowed moneys either by instalments or appropriations or by means of a sinking fund shall remain in force until the date of the aforesaid resolution as if this Act had not been passed.

Corporation may retain in hand a portion of annual sums set apart for repayment of principal moneys by instalments.

195. In order that the Corporation may the more conveniently appropriate to the repayment of such of their debts as are not repayable by sinking funds the sums annually set apart as required for that purpose the Corporation may from time to time retain those sums in the hands of their treasurer to the amount at any one time not exceeding one thousand pounds in the whole.

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

196. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid or any sinking fund is required to be applied under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund or applied as a sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the

A. D. 1890.

event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any such instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

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

Protection
of lenders
from inquiry.

198. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under this Act or the repayment of which is provided for by this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can reborrow at a lower rate of interest and so from time to time. Provided as follows :—

Power to
reborrow.

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed ;

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan ;

The Corporation shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

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

Corporation
not to regard
trusts.

A.D. 1890. be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid in any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Application
of moneys
borrowed.

200. All moneys raised under the provisions of this Act or any of the local Acts or Provisional Orders mentioned in the First Schedule hereto shall be applied only to the purposes for which they are respectively authorised to be raised and to which capital is properly applicable and for no other purposes.

Power to
borrow under
Local Loans
Act 1875.

201. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act from the date of the original borrowing.

Repeal of
part of Order
of 1868.

202. Article 3 of the Order confirmed by the Local Government Supplemental Act 1868 (No. 3) beginning with the words " Apart from " and ending with the words " last-mentioned Acts " is hereby repealed without prejudice to anything done or suffered thereunder and all moneys borrowed under the powers of that article and outstanding at the date of such repeal shall (subject to the provisions of this Act) be repaid in like manner and by the like methods as if such repeal had not been made.

PART XVII.—STOCK.

Interpreta-
tion.

203.—(1.) In this part of this Act—
"Rate" includes the borough rate the general district rate rates rents and charges for supply of water or the hire of meters or fittings connected therewith ;

“Statutory declaration” means declaration under the Statutory Declarations Act 1835 ; A.D. 1890.

“Schedule” means the schedule to this Act relating to this part of this Act.

(2.) Any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under this Act or under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed is for the purposes of this part of this Act a statutory borrowing power.

(3.) Any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain (except the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875 is for the purposes of this part of this Act a statutory security.

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

Creation and charge of Corporation Stock.

204.—(1.) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this part of this Act the Corporation may from time to time by resolution of the council exercise the power by creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price to bear such half-yearly or other dividends and to be so transferable that is to say in books or by deed as the Corporation by the resolution direct Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock bearing one and the same rate of dividend and redeemable at the option of the Corporation at

Creation of
Corporation
stock.

A.D. 1890. one and the same time not exceeding 60 years from the first creation of Corporation stock.

(2.) All stock at any time and from time to time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall also rank equally with all other securities of the Corporation at any time after the passing of this Act granted by the Corporation in pursuance of any statutory borrowing power.

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

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

(5.) Stock so created shall be designated by the Corporation as Tunbridge Wells Corporation redeemable stock.

Borrowing
power to be
exercisable
for actual
sum raisable.

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

Charge of
Corporation
stock.

206.—(1.) All Corporation stock for the time being issued and the dividends thereon shall be and the same are by virtue of this Act charged indifferently on the whole revenues of the Corporation from time to time arising from the land undertakings and other property for the time being of the Corporation and on the borough fund and borough rate and on the district fund and general district rate and on all other funds and rates established and leviable by the Corporation as a municipal body for municipal purposes or as a sanitary authority for sanitary purposes.

(2.) The dividends for the time being payable on all Corporation stock shall rank equally with the interest on all other securities of

the Corporation at any time after the passing of this Act created or granted in pursuance of any statutory borrowing power and the same dividends and interest shall subject to all charges existing at that date to be the first charge on the revenues and rates aforesaid and on the revenues of the funds aforesaid (all which revenues and rates are comprised in the term the Corporation revenues when hereafter used in this part of this Act).

A.D. 1890.

Loans Fund.

207. For payment of dividends on all Corporation stock and for redemption and extinction or purchase and extinction of all Corporation stock there shall be established and formed a fund called the Tunbridge Wells Corporation consolidated loans fund (in this part of this Act referred to as the loans fund).

Establishment of consolidated loans fund.

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

Contributions to loans fund for dividends.

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

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

A.D. 1890.

Contributions to
loans fund
for extinction of stock.

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

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

(3.) The amounts of these several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be such amounts as with accumulations at the rate of three pounds per centum per annum shall be from time to time calculated to be sufficient to purchase at its nominal amount the portion of stock towards the purchase and extinction whereof those contributions are payable within the periods following viz. :—

(a.) In case of the balances of loans shown in Part I of the said Sixth Schedule within thirty-seven years from the twenty-fifth day of March one thousand eight hundred and ninety if the resolution provided for in the section of this Act of which the marginal note is “As to repayment of borrowed moneys” is passed.

(b.) In case of existing loans not affected by the said resolution and in case of loans to be raised under any statutory borrowing power (whether existing at the passing of or created by this Act or to be hereafter created) within such period as the Act or Provisional Order or departmental order or sanction authorising

the raising of each such loan prescribes for the payment off thereof. A.D. 1890.

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

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

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

Raising of contributions to loans fund.

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

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

211.—(1.) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the

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

A.D. 1890. — general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of the lands or other property of the Corporation on the revenues whereof any Corporation stock is charged.

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

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

Application
of loans fund.

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

Extinction
of stock
redeemed
or purchased.

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

Account of
loans fund.

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

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

(B.) Each statutory borrowing power so exercised.

(2.) Those separate accounts should distinguish and show—

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

(D.) The amounts of those several portions of Corporation stock redeemed or purchased by means of the loans fund and cancelled and extinguished. A.D. 1890.

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

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

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

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

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

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

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

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

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

Application
of income in
reduction of
contribu-
tions.

A.D. 1890. part of this Act the Corporation may deal with the same as in this section provided.

(2.) Where any money is standing on a separate account in the loans fund being money required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation after providing for the making and maintenance of those accumulations may if they think fit from time to time invest that money or any part thereof in statutory securities and deal with the interest and annual proceeds of those securities as in this section provided.

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

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

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

Determina-
tion as to
charge of
stock.

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

Conversion of other Securities into Stock.

Payment off
or substitu-
tion for
existing
securities.

217.—(1.) Where any mortgage bond debenture debenture stock annuity rentcharge or other security granted or created before or after the passing of this Act by the Commissioners or the Cor-

poration under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security provided that as regards the loans specified in Part I. of Schedule VI. the foregoing powers of this section shall be exercised as far as practicable *pari passu* in respect of all such loans and in such manner as not to exceed the equated period. A.D. 1890.

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

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

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

(5.) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(6.) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to

A.D. 1890. — immediately before the payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

Effect on Borrowing Powers.

Extinction
or suspen-
sion of
power.

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

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

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

Application of Money raised.

General
application
of money
from cor-
poration
stock.

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

Temporary
investment
of money
raised by
stock.

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

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

Registration and Certificates.

A.D. 1890.

Appointment
of registrar.

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

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

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

Corporation
stock
register.

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

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

Certificates
of proprie-
torship of
stock.

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

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

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

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

Transfer.

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

Power for
stockholder
to transfer.

A.D. 1890

Transfer in
books.

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

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

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

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

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

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

Transfer by
deed.

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

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

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

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

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

(6.) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon. A.D. 1890.

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

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

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

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

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

Transmission.

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

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

231.—(1.) If the interest in any Corporation stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other Transmission on marriage &c.

A.D. 1890.

than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require.

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

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

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

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

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

Dividends.

Payment of
dividends.

232. The Corporation may pay by the registrar the dividends on Corporation stock.

Dividends to
executors &c.

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

Evidence of
title.

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

Dividends
to joint
holders.

235.—(1.) When more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the

contrary has been given to the Corporation or the registrar by any other of them. A.D. 1890.

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

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

Dividend warrants by post.

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

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

Stock Certificates with Coupons to Bearer.

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

Provisions respecting stock certificates with coupons to bearer.

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

(3.) A trustee shall not apply for purchase take or hold a corporation stock certificate to bearer unless he is in express words authorised to do so by the instrument creating his trust and any

A.D. 1890. — contravention of this provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Corporation or the registrar an obligation to inquire or to take notice whether a person applying for or holding a stock certificate to bearer is or is not a trustee or subject the Corporation or the registrar to any liability in case of their or his with or without notice issuing to a trustee a stock certificate to bearer or invalidate any stock certificate to bearer issued.

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

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

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

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

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

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

(10.) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of

the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed. A.D. 1890.

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

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

General.

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

Nature of Corporation stock.

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

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

Notice of trusts.

239. In the Corporation stock register the Corporation shall allow any holder or joint holders to have more than one account provided that each account is distinguished either by a number or by such other designation as may be directed by the Corporation and that the Corporation shall not be required to permit more than four accounts to be opened in the same name or names.

Holders of Corporation stock may have more than one account.

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

Receiver.

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

A.D. 1890. shall apply all money so collected after payment of expenses and costs as the court directs for purposes of this part of this Act.

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

Protection
of holders of
Corporation
stock.

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

Annual re-
turn to Local
Government
Board.

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

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

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

Unclaimed
dividends.

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

(2.) Where any dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice

thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years. A.D. 1890.

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

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

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

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

246. Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Corporation from any obligation imposed on them in relation to any statutory Saving for other obligations.

A.D. 1890. borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for
power to
sell lands &c.

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

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

Saving for
existing
securities.

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

Forgery.

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

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

Orders of
Local
Government
Board.

250. Any order of the Local Government Board under this part of this Act may contain such directions as the Board think necessary or proper for giving effect thereto and shall be enforceable by writ of mandamus to be obtained by the Board out of the High Court and may be from time to time cancelled or varied by the Board as the circumstances of the case may require but the Board shall not make any such order without first hearing the Corporation if desirous of being heard which hearing may be in the form of a public inquiry with or without a published report

or in such other form as the Board having regard to the circum- A.D. 1890.
stances think just and expedient and sections 294 and 296 of the
Public Health Act 1875 shall apply to hearings inquiries and other
proceedings to which this section relates.

251. The forms given in the Seventh Schedule to this Act may Forms.
if the Corporation think fit be used for the purposes therein
indicated and the same or forms to the like effect with such varia-
tions or additions as circumstances require shall be effectual for
those purposes.

252.—(1.) Fees not exceeding those specified in the Seventh Fees.
Schedule may be taken by or on behalf of the Corporation in the
cases therein mentioned.

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

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

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

PART XVIII.—BYE-LAWS.

254. All byelaws from time to time made by the Corporation General provisions as to bye-laws.
under the powers of this Act except byelaws which are to be subject
to confirmation by the Secretary of State or the Board of Trade
or to which the provisions of the Municipal Corporation Acts are
applied by this Act shall be made under and according to the
provisions with respect to byelaws contained in sections 182 to 185
(both inclusive) of the Public Health Act 1875 except so much
thereof as relates to byelaws of a rural sanitary authority And the
Corporation may provide for the observance of any such byelaws

A.D. 1890. — by enacting therein such provisions (so far as applicable) as may be inserted in byelaws made under section 157 of the Public Health Act 1875.

PART XIX.—LEGAL PROCEEDINGS.

Informations
by whom to
be laid.

255. Save as herein is expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any bye-laws made thereunder or of the Town Police Clauses Act 1847 or of the Towns Improvement Clauses Act 1847 as incorporated with the Public Health Act 1875 or the Town Police Clauses Act 1889 may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief constable or any superintendent of police acting for or within the borough.

Appearance
of Corpora-
tion in legal
proceedings.

256. The Corporation may appear before any court or in any legal proceedings by the town clerk or by any officer authorised generally or in respect of any special proceeding by resolution of the council and the town clerk or any officer so authorised shall as agent for and on behalf of the Corporation be at liberty to institute carry on or defend any proceedings or matter which the Corporation or council is authorised to institute carry on or defend under any Act relating to the Corporation and to execute and do all matters and things necessary or expedient for any purpose mentioned in this section.

Form and
service of
notices by
Corporation.

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

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

one so that separate copies be served on the respective owners and occupiers of the premises concerned. A.D. 1890.

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

258. Except where otherwise expressed to the contrary any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk or by being sent through the post in a registered letter directed to the town clerk. Service of notice on Corporation.

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

260. When any compensation damages expenses costs or charges is or are directed to be paid under this Act 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 for by the Public Health Acts. Compensation how to be determined.

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

262. Nothing in this Act shall be taken to dispense with the consent of the Local Government Board to any sale lease or other disposition or appropriation of land in any case where the consent of the Board would have been required if this Act had not been passed. Consent of Local Government Board to sale &c. of land.

A.D. 1890.
Penalties in cases not otherwise provided for.

263. Every person who shall commit an offence against any one or more of the foregoing provisions contained in this Act in respect of which offence no separate penalty is specially provided by this Act shall be liable to be dealt with in a summary manner and shall be also liable for every such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on occupiers refusing execution of Act.

264.—(1.) In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under this Act or under any byelaw made under the powers of this Act then after notice of this provision given by the owner to the occupier a court of summary jurisdiction upon proof thereof may make an order requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(2.) If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully misstates the same he shall (unless he shows a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

As to consent of Corporation.

265. Where the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Several sums in one summons.

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

Penalties to be paid over to the treasurer &c.

267. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation and except as hereinbefore is expressly provided be paid to the treasurer and be by him as to penalties in connection with sanitary matters carried to the credit of the district fund as to penalties in connection with municipal matters to the credit

of the borough fund or in connexion with other matters to such fund as the Corporation may direct. A.D. 1890.

268. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act the incorporated Acts and the Acts and Provisional Orders executed by the Corporation shall be deemed separate Acts and Orders. Penalties not to be cumulative.

269. 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. Saving for indictments &c.

270. Any person deeming himself aggrieved by any order judgment determination assessment or requirement or the withholding of any certificate license consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions and the provisions of section 269 of the Public Health Act 1875 as amended by the Summary Jurisdiction (England) Acts shall so far as the same are applicable extend and apply to such appeal. As to appeal.

PART XX.—MISCELLANEOUS.

271. All the powers rights duties capacities liabilities obligations and property exerciseable by attaching to or vested in the Commissioners as the burial board for the district of Tunbridge Wells are hereby transferred to and shall be exerciseable by attached to and vested in the council and from and after the passing of this Act all costs charges and expenses incurred by the council acting as such burial board shall be payable and paid out of the borough fund. Transfer of rights &c. of Commissioners as burial board to council.

272. From and after the 25th day of March 1891 sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall not apply to the accounts of the Corporation or of the borough treasurer or of the officers of the Corporation but the accounts of the Corporation and of the borough Audit of accounts.

A.D. 1890: treasurer and the officers of the Corporation under any public or private Act of Parliament shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of such authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of such audit.

Paid accountants. **273.** The Corporation may from time to time appoint and pay a competent person or persons to act as accountant or accountants to the Corporation.

Public bands. **274.** The Corporation may from time to time pay or contribute towards the payment of a public band of music for the borough to perform in any public park or other place of public resort within the borough as the Corporation may prescribe provided that the amount of such payments or contributions shall be paid out of the district fund and shall not in any one year exceed in amount the sum of two hundred pounds.

Power to the Corporation to plant trees. **275.** The Corporation may from time to time and as they deem expedient plant and maintain replace or remove trees and shrubs and place maintain and remove seats and chairs in or from the streets and in or from the Grove and in or from the Commons after their purchase and acquisition and in or from all public pleasure and recreation grounds and ways within the borough and under their management and may from time to time make amend or repeal and by penalties enforce all such byelaws as they may deem necessary for the due protection and reasonable use of the same.

Power to provide apparatus for games and recreation. **276.** The Corporation may provide apparatus for games and recreation for the use of the public frequenting the public pleasure grounds of the Corporation including the Grove and Commons after their purchase and acquisition and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they may think proper and the Corporation may make and enforce byelaws with respect to the use and the payment for the use of such apparatus.

277. The Corporation may from time to time accept in trust for the inhabitants of the borough and allow the erection in public streets and places in the borough of such statues and other monuments drinking and other fountains and other ornamental erections as they think fit and may maintain the same together with any statues monuments fountains and erections so accepted and erected before the passing of this Act and keep them in good order and repair.

A.D. 1890:
 —
 Power to accept statues &c:

278. Sections 219 221 246 and 247 of the Improvement Act are hereby repealed.

Repeal of parts of Improvement Act.

279. No officer of the Corporation shall vacate his office nor be liable to any penalty by reason of his being interested in any loan of money to the Corporation.

Loan to Corporation not to disqualify officer.

280. Whenever the Corporation are by this Act or any byelaws for the time being in force authorised to execute or re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Corporation execute any works upon the application of or by agreement with the owner of the lands houses or other property for or in respect of which the same are to be executed the Corporation may apply the district fund in or towards the executing re-executing or altering of such work act or thing but this section shall not affect the liability of any such owner occupier or other person to repay the moneys expended by the Corporation.

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

281. All costs incurred by the Local Government Board including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector in relation to the duties imposed on that Board under this Act shall be paid by the Corporation.

Costs of Local Government Board to be paid by Corporation.

282. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or the House of Commons including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid shall be paid by the Corporation out of moneys borrowed under the authority of this Act or out of the funds and rates under the control of the Corporation.

Costs of Act.

283.—(1) Notwithstanding anything contained in the Local Government Act 1888 or in the Weights and Measures Acts 1878 and 1889 the Corporation shall be the local authority for carrying

Corporation to be local authority under

A.D. 1890.
Weights and
Measures
Acts.

out the provisions of the Weights and Measures Acts 1878 and 1889 and any Act amending the same.

(2) And the Corporation shall be paid by the county council of the county of Kent once every year the proportionate amount contributed towards the expenses incurred by the said county council in the execution of the last-named Acts by the several parishes and parts of parishes within the borough such proportion being calculated according to the values stated in the basis for county rates in force for the time being.

(3) If the Corporation do not appoint as their inspector the person now acting in the borough as the inspector of the county council the Corporation shall pay to him the same compensation as he would have been entitled to if his fees or salary had been diminished by virtue of the Local Government Act 1888.

Power to
erect shelters
&c.

284. It shall be lawful for the Corporation at any time and from time to time to erect and maintain shelters band stands lavatories and other places and conveniences for the use accommodation and recreation of the inhabitants of and visitors to the borough on suitable sites with the consent of the owner and occupier on any land within the borough or on any other land within the borough now or hereafter belonging to the Corporation or under their control And for the purposes of this section the Corporation may by agreement acquire and hold any land within the borough not exceeding in the whole five acres The Corporation shall have power to employ persons to manage and take charge of any places established under this section and may from time to time make alter repeal and enforce byelaws to regulate admissions thereto and the user thereof Nothing in this section shall authorise the Corporation to create any nuisance nor shall anything in this section authorise the Corporation to erect any band stand shelter or lavatory upon any part of the Commons without the consents in writing of the lord or lords lady or ladies of the said manor of Rusthall and of the committee of freehold tenants of the manor and the consent of the Commons conservators.

Power to
grant ease-
ments.

285. 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 and for the purposes of this Act grant to the Corporation and the Corporation may take any easement right of frontage or other right or privilege in or over through upon affecting or connected with any 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 such easements right of frontage and any other rights or privileges as aforesaid. A.D. 1890.

286. The Corporation shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers: Restriction on taking houses of labouring class.

For the purposes of this section "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

287. The Corporation on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also 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 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. Reservation of water rights &c. on sale.

288. Every purchaser of land from the Corporation under this Act having paid his purchase money and taken the receipt of the treasurer for the same shall not be afterwards accountable for any loss misapplication or non-application thereof. Purchaser not bound to see to application of purchase money.

289. The Corporation may subject to the approval of the Local Government Board grant to any of their officers or servants on his retirement from service such sum or yearly allowance either for the term of his natural life or for such other period or in gross as the Corporation may deem just and proper and may charge every such sum or allowance on such of their revenues and rates as they may in each case determine. Power to grant superannuation allowances.

290.—(1.) The Corporation may if they think fit 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 to the widow or family of any such officer or servant who may die in their service. Power to grant gratuities in certain cases.

A.D. 1890.

(2.) Every such gratuity shall be charged on and paid out of the fund or funds on 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
enter and
break open
premises in
case of fire.

291. Any police constable or fireman authorised by the Corporation to act as such in the borough may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

The SCHEDULES referred to in the foregoing Act. A.D. 1890.

SCHEDULE I.

LIST OF LOCAL ACTS AND PROVISIONAL ORDERS REFERRING TO THE
BOROUGH OF TUNBRIDGE WELLS.

- The Tunbridge Wells Improvement Act 1835.
- The Tunbridge Wells Improvement Act 1846.
- The Local Government Supplemental Act 1860 (No. 2).
- The Local Government Supplemental Act 1864 (No. 2).
- The Local Government Supplemental Act 1866 (No. 4).
- The Local Government Supplemental Act 1867 (No. 5).
- The Local Government Supplemental Act 1868 (No. 3).
- The Local Government Board's Provisional Orders Confirmation Act 1876
(Carnarvon &c.).
- The Local Government Board's Provisional Orders Confirmation Act 1877
(Bridlington &c.).
- The Local Government Board's Provisional Orders Confirmation Act 1878
(Belper Union &c.).
- The Local Government Board's Provisional Orders Confirmation Act 1886
(Bradford &c.).
- The Rusthall Manor Act 1739.
- The Rusthall Manor Act 1863.
- The Tunbridge Wells Water Act 1865.

SCHEDULE II.

CHARGES FOR SWIMMING BATH.

Single Baths.

- For each bath with use of first class dressing-room - Four pence.
- For each bath with use of second class dressing-room - Two pence.

Season Tickets.

- For the whole season with use of first class dressing-room - Ten shillings.
- For the whole season with use of second class dressing-room - Five shillings.

A.D. 1890.

Private Dressing Rooms

(not exceeding one-third of the whole number provided).

First class (for the whole season)	-	-	-	Twenty shillings.
Second class (for the whole season)	-	-	-	Ten shillings.

General.

Use of towels	-	-	-	One halfpenny each.
Use of women's bathing dresses	-	-	-	One penny each.
Use of men's bathing dresses	-	-	-	One penny each.
Use of men's bathing drawers	-	-	-	One halfpenny each.

NOTE.—The above charges to be paid in advance.

SCHEDULE III.

AGREEMENT FOR TRANSFER OF THE GROVE.

MEMORANDUM OF AGREEMENT made this 27th day of March 1890 between EDWARD HUSSEY of Scotney Castle Lamberhurst in the county of Sussex Esquire and ARTHUR WELLESLEY WARD of 40 Park Street Grosvenor Square in the county of Middlesex Esquire the trustees under a certain indenture next herein-after recited and herein-after referred to as "the Trustees" of the one part and the MAYOR ALDERMEN and BURGESSES of the borough of Tunbridge Wells herein-after referred to as "the Corporation" of the other part.

Whereas by an indenture made the 20th day of April 1703 between the Right Honourable John Earl of Buckingham of the first part Thomas Lake of the Middle Temple London Esquire and two other persons of the second part Nicholas Wood of Tonbridge in the said county of Kent and six other persons of the third part and John Dyke of Frant in the said county of Sussex Esquire and three other persons of the fourth part a parcel of land and appurtenances described in the said indenture and known as the Grove or Mount Sion Grove was conveyed to and vested in the said parties thereto of the fourth part absolutely upon trust inter alia to preserve the said Grove as a grove or shady walk and to protect the same from trespass or injury for the benefit of the inhabitants of the houses built on or to be built on certain lands recited in the said indenture as purchased by the parties thereto of the third part and others from the parties thereto of the first and second parts And whereas funds have from time to time been provided for the maintenance of the said Grove by the sale of timber and by the South Eastern Railway Company as compensation for the construction of a tunnel under the said Grove and the trustees and their predecessors in title have received rents in consideration of their allowing the entrances to be made thereto for the purpose of the access referred to in Clause 3

A.D. 1890.

hereof and the trustees now stand possessed of certain sums representing the the said funds for the purposes of the said trust And whereas the said Grove is now and has for many years past been used by the public as a public pleasure and recreation ground and owing to the efflux of time it is impossible now to ascertain for the benefit of what persons and in respect of the occupancy of what lands the said Grove is held and maintained by the trustees And whereas the Corporation propose to promote a Bill in the next session of Parliament authorising them inter alia to acquire the said Grove for the benefit of the inhabitants of the borough of Tunbridge Wells and the public generally together with the said funds now in the hands of the trustees and to confirm these presents Now therefore it is agreed by and between the parties hereto as follows (that is to say):—

1. Within six months from the date of the Royal Assent being given to the aforesaid Bill promoted by the Corporation the trustees will convey to the Corporation and the Corporation will accept the lands and hereditaments described in the first schedule hereto (known as the Grove) with their appurtenances and the inheritance thereof in fee simple in possession free from incumbrances and the trustees will at the same time transfer deliver and pay to the Corporation the aforesaid funds and any other funds for the time being held by them in respect of and for the purposes of the said Grove but subject to the deductions provided for by clause 6 of this agreement.

2. From and after the date of the said conveyance and transfer the Corporation will hold and maintain the said Grove as a place of public resort and recreation for the benefit of the inhabitants of the borough and the public generally but upon the trusts and to and for the intents and purposes expressed and declared in and by the said recited indenture of the 20th day of April 1703 as varied by these presents and upon and for no other trust intent or purpose whatsoever and the said funds transferred to them by the trustees shall be exclusively devoted and applied to the laying out and improvement and maintenance of the said grove for the purposes aforesaid.

3. The Corporation will also insert in the said Bill the six clauses set out in the third schedule hereto to confirm these presents and upon the completion of the transfer of the said Grove and the said funds to determine the trust created by the said indenture and to free and exonerate the trustees from all duties and liabilities thereunder to reserve to the persons owning or occupying the buildings and lands mentioned in the second schedule hereto in consideration of the annual rents respectively set against the said buildings and lands in the said schedule a right of access to and through the said Grove for all persons having occasion to go to or from the said lands and buildings for all ordinary purposes (saving the removal of dust delivery of coals and similar purposes excepted).

4. No building or structure of any description other than a caretaker's lodge with the necessary fences thereto shall at any time hereafter be erected on the said Grove.

5. For the purpose of enabling the Corporation to support the said Grove and to make byelaws for the regulation thereof but for those purposes only the Grove shall be deemed to be a public pleasure ground within the meaning of section 164 of the Public Health Act 1875

A.D. 1890.

6. The costs charges and expenses of the trustees already incurred relating to the said Grove and incidental thereto and all costs charges and expenses of and incidental or relating to their petition against the Bill in the session of 1889 and to the subsequent proceedings thereon and also the costs of this agreement and all other costs charges and expenses to be incurred by the trustees up to the final transfer to the Corporation of the Grove including the costs of the joint solicitors to the said petition and otherwise shall be paid or retained by the said trustees out of the funds in their hands.

7. The owners of the buildings and lands mentioned in the second schedule to this agreement shall have the power at any time of purchasing in perpetuity their rights of access to and from the Grove at twenty-five years' purchase and the receipt of the borough treasurer for the time being shall be a full discharge for all purchase moneys so paid to the Corporation.

8. The Corporation shall in the conveyance to them covenant to indemnify the trustees against any claim which may at any time hereafter be made on the trustees in respect of the trust created by the said indenture of the 20th day of April 1703 or any matter connected therewith.

9. This agreement is made subject to the approval of Parliament being obtained during the session of 1890 to the Bill proposed to be promoted by the Corporation and if such approval be not obtained the agreement shall be null and void It is also subject to such alterations and modifications as Parliament may deem right to make therein.

First Schedule.

All that piece or parcel of land situate at Tunbridge Wells in the parish of Tonbridge in the county of Kent containing four acres two roods and seven perches or thereabouts and commonly called or known as the Grove otherwise Mount Sion Grove and formerly as Inham's Bush.

Second Schedule.

Buildings and Lands.	Present Owners.	Number of Entrances.	Annual Rents.
Christ Church - - -	Trustees of the church -	One	£ s. d. 1 5 0
Grove House - - -	Catherine Charlotte Cripps -	One	1 5 0
Ground Meadow Hill - . -	Henry Goodrham - - -	One	1 1 0
Ground adjoining site of house called South Grove House now Nos. 1 to 12 South Grove.	Tunbridge Wells Benefit Building Society.	One	1 1 0

Third Schedule.

The agreement made between the Grove trustees of the one part and the Corporation of the other part a copy whereof is set forth in the third schedule to this Act annexed is hereby confirmed and made binding upon the parties thereto.

[53 & 54 VICT.] *Tunbridge Wells Improvement* [Ch. ccxxxv.]
Act, 1890.

A.D. 1890.

Forthwith upon the transfer to the Corporation of the Grove under the said scheduled agreement the Grove trustees shall pay and transfer to the Corporation the Grove funds and the receipt therefor under the hand of the treasurer shall be a full discharge to the Grove trustees from all claims or demands whatsoever in respect of the Grove funds or any part thereof and from and after the said acquisition and transfer all rights privileges trusts duties and obligations conferred or imposed upon the Grove trustees under or by virtue of the hereinbefore recited indenture of April 20th 1703 shall absolutely cease and determine and shall subject to the provisions of this Act and the said scheduled agreement vest in and be binding on the Corporation.

All persons owning or occupying the buildings and lands mentioned in the second schedule forming part of the said scheduled agreement shall so long as the annual rents set against such buildings and lands in the said second schedule are respectively paid or after the purchase by the owners of their respective rights under the terms of the said scheduled agreement have a right to use their existing private entrances to the Grove as a means of approach to and from the Grove for all ordinary purposes of all persons having occasion to go to or from such buildings and lands provided that the said right of access shall not be used for the removal of dust the delivery of coals or other similar purposes calculated to interfere with the enjoyment of the Grove as a place of public resort and recreation and all persons contravening this proviso shall be liable to a penalty not exceeding forty shillings and all moneys received by the Corporation in respect of the said annual rents or by virtue of the said penalty shall be deemed to form part of the Grove funds and be applied accordingly.

From and after the passing of this Act all or any of the owners of buildings and lands mentioned in the second schedule forming part of the said scheduled agreement shall have full right and power at any time to purchase and acquire in perpetuity the rights of access to and from the Grove granted to them respectively under the last preceding section on payment to the Corporation of such a sum as shall be equivalent to twenty-five times the annual rent set against such buildings and lands in the said second schedule respectively and upon payment of such sum the Corporation shall execute and deliver to the purchaser or purchasers free of cost a duly stamped grant of the said rights respectively under their common seal and the receipt of the borough treasurer for the time being shall be a full discharge for all purchase moneys paid to the Corporation under this section.

The Corporation may apply the Grove funds in carrying out any works of a permanent character to which capital is ordinarily applicable for the improvement of the Grove and pending such application of the whole or part of the Grove funds may invest the same or any unapplied portion thereof or any moneys in their hands applicable to any of the purposes of the Grove in any statutory security as herein-after defined.

The Corporation may permit the owners and occupiers of buildings and lands fronting or abutting upon the Grove other than the buildings and lands mentioned in the second schedule forming part of the said scheduled agreement to make and use or continue to use private entrances into the Grove for such periods and upon such terms as to the summary or other closing of such entrances

A.D. 1890. as the Corporation may think fit and may demand and take therefor such yearly rents or other sums as shall be agreed upon between the Corporation and such owners and occupiers and the Corporation shall apply the moneys so received together with the interest arising from the investment of the Grove funds and other moneys as mentioned in the last preceding section in keeping and maintaining the Grove and all matters and things connected therewith in good order and condition.

Signed sealed and delivered by the above-named Edward Hussey in the presence of

THOMAS F. WALKER
Solicitor Tunbridge Wells

EDWD. HUSSEY

L.S.

Signed sealed and delivered by the above-named Arthur Wellesley Ward in the presence of

FRANK W. STONE
Solicitor Tunbridge Wells

ARTHUR W. WARD

L.S.

The Common Seal of the Mayor Aldermen and Burgesses of the borough of Tunbridge Wells was hereunto affixed by

J. STONE WIGG
Mayor

L.S.

In the presence of

W. C. CRIPPS
Town Clerk.

[53 & 54 VICT.] *Tunbridge Wells Improvement* [Ch. CCXXXV.]
Act, 1890.

A.D. 1890.

SCHEDULE IV.

LIST OF PROPERTIES EXCLUDED FROM THE COMMONS.

No. in Red Ink on deposited Plan.	No. on Ordnance Plan.	Name and Description. (Shown in Colour Brown on deposited Plan)	Owners.	Occupiers.	Remarks.
1	1003	Belleville Cottage	Lady of the Manor	John Graves Wyatt.	
2	1005	St. Helena	Lady of the Manor	Edward Moxon.	
3	1006	Gibraltar	Lady and Freehold Tenants	G. W. Kent.	
4	1009-10	Mount Edgecumbe stable house and cottage	Lady of the Manor	Olivia Walker.	
5	1010	Ephraim Villa stables and coach house	Lady of the Manor	Rev. T. R. Stebbing.	
6	1011	Romanoff Lodge	Lady and Freehold Tenants	Elizabeth Mary Thompson.	
7	1013	Onslow House	Lady of the Manor	Daniel Chissell	Leased to Elias Edwards.
8	—	Exeter Villa	Lady and Freehold Tenants	Creasy.	
9	1018	Star Mews	Lady and Freehold Tenants	Card and Bobbett	Leased to the late Charles John Stone.
10	1018	Lewis Place	Linn	Benoy and Son and J. Walter	Leased to Benoy and Son.
11	1018	Sion Prospect	William Jabez Smith	William Jabez Smith.	
12	1018	Kentish Hotel stables	Lady and Freehold Tenants leased to Hughes	William Barnsley Hughes	
13	1020	Fonthill	Lady of the Manor leased to Noakes	William Thomas Noakes.	
14	1016	Hand and Sceptre stables.	Lady of the Manor leased to Wm. Wilson	William Wilson.	
15	1016	Booty's warehouse	Lady and Freehold Tenants leased to James Booty	James Booty.	
16	1016	Cottage adjoining	Lady and Freehold Tenants leased to H. and E. Kelsey	Stephen Card	
17	1021	Swan Hotel stables	Lady of the Manor leased to William Rule	William Rule.	
18	1021	York Cottage and small cottage adjoining	George Avery	George Avery.	
19	794	Cottages on Rushhall Common	Hallett William Samuel Reed and Joseph Barnett	Samuel Reed and Blackman.	

SCHEDULE V.

PRIVATE STREET WORKS.

PART I.

PARTICULARS TO BE STATED IN SPECIFICATIONS PLANS AND SECTIONS
ESTIMATES AND PROVISIONAL APPORTIONMENTS.

Specifications.—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimensions thereof.

Plans and Sections.—These shall show the constructive character of the works and the connexions (if any) with existing streets sewers or other works and the

[Ch. ccxxxv.] *Tunbridge Wells Improvement Act, 1890.* [53 & 54 VICT.]

A.D. 1890. lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

PART II.

Any resolution notice or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the district and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

SCHEDULE VI.

STATEMENT of and relating to LOANS of the BOROUGH of TUNBRIDGE WELLS to the twentieth-fifth day of March 1890.

Object of Loan.	Date of Sanction.	Amount sanctioned.	Period sanctioned.	Amount borrowed.	Amount repaid.	Amount still owing.	Un-expired Period for Repayment.
		£	Years	£	£ s. d.	£ s. d.	Years
Sewage Farms	Under Provisional Order of 1868 and no record of sanction		50	40,000	6,824 18 1	33,175 1 11	20
Sewage Farms £46,500	Do.		50	25,000	4,167 15 9	20,832 4 3	30½
Cemetery £7,000 Purchase of Calverley Property £4,500 Paving and Drainage £3,000 Hydrants £500 and Water Works £3,500				25,000	4,184 12 4	20,815 7 8	30½
Cemetery £1,500 Stables £1,000				15,000	2,386 7 3	12,613 12 9	31½
Sewage Outfalls £2,000 Paving and Drainage £1,000 Water Works £500 Cemetery £500	Do.		50	2,500	351 19 10	2,148 0 2	33
Water Works	Do.		50	4,000	503 1 11	3,496 18 1	34
Water Works	Under Public Health Act 1875		40	12,180	2,034 10 1	10,145 9 11	26½
	1876 June 10 12,180						
Street Improvements	1876 Sept. 27 2,775		50	2,775	263 7 7	2,511 12 5	37
Nevill Street Improvement	1877 Oct. 22 3,900		50	3,900	356 2 4	3,543 17 8	38
Purchase of Town Hall £3,500 Kentish Corner Improvement £1,350	1879 Mar. 12 4,850		50	4,850	349 19 8	4,500 0 4	39½
Bridge over South Eastern Railway	1880 Nov. 27 10,000		30	10,000	1,725 19 4	8,274 0 8	21½
	Carried forward			145,205	23,148 14 2	122,056 5 10	

[Ch. ccxxxv.] *Tunbridge Wells Improvement Act, 1890.* [53 & 54 VICT.]

A.D. 1890.

PART II.—LOANS NOT PROPOSED TO BE CONSOLIDATED.

Object of Loan.	Date of Sanction.	Amount sanctioned.	Period sanctioned.	Amount borrowed.	Amount repaid.	Amount still owing.	Un-expired Period for Repayment.
Western Sewers and Pumping Station	No sanction required <i>vide</i> Provisional Order of 1868	£	Years	£	£ s. d.	£ s. d.	Years
	do.	do.	10	5,300	—	5,300 0 0	7
Ditto	do.	do.	10	2,700	—	2,700 0 0	7
Ditto £3,000 and Cottages at South Farm £1,000	do.	do.	10	4,000	—	4,000 0 0	8½
Water Works	1876 Aug. 11	1,820	15	1,820	1,501 16 3	318 3 9	2
Paving	1877 Sept. 26	1,200	20	1,200	655 0 3	544 19 9	7
Sewerage	do.	2,525	30	2,525	706 8 4	1,818 11 8	17
Nevill Street Improvement	1877 Oct. 22	1,100	20	1,100	547 9 5	552 10 7	8
Mount Pleasant Road Improvement	1879 Mar. 12	1,000	20	1,000	420 18 7	579 1 5	9½
Recreation Ground - Mount Pleasant Road Improvement Pantiles Improvement	1888 Jan. 2	—	20	550	—	550 0 0	18
			Total	20,195	3,831 12 10	16,363 7 2	

SCHEDULE VII.

RELATING TO PART XVII. OF FOREGOING ACT.

FORMS.

(A.)

RESOLUTIONS ON CREATION OF TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK.

BOROUGH OF TUNBRIDGE WELLS.

[18 .]

At a meeting of the council of the borough of Tunbridge Wells holden on [day the day of 18] at [o'clock in the] in the

Present:

Resolved first—

That under the authority and subject to the provisions of the Tunbridge Wells Improvement Act 1890 the Corporation acting by the council do hereby in exercise of their several statutory powers create stock to be called Tunbridge Wells Corporation Redeemable Stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding []:—

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

(1.) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the

[53 & 54 VICT.] *Tunbridge Wells Improvement* [Ch. CCXXXV.]
Act, 1890.

powers conferred upon them by the [] A.D. 1890.
Acts for the purchase money for [] and the
cost of reconstruction of portions thereof;

(2.) The sum of [] pounds on account of the money which
the Corporation have authority to raise by borrowing under the
powers conferred upon them by the []
Acts for the cost of construction of [];

(3.) The sum of [] pounds on account of the money which
the Corporation have authority to raise by borrowing under the
powers conferred upon them by the []
Acts for the construction of [];

(4.) The sum of [] pounds on account of the money which
the Corporation have authority to raise by borrowing under the
powers conferred upon them by the []
Acts for the purposes of [];

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

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

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

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

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

A.D. 1890.

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

Resolved secondly—

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

(A) The minimum price of issue to be [£] per cent. the first dividend to be payable on the [18];

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

(C) The dates for the further payments on account of the said tenders when accepted to be as follows :—On [] day the day of 18 so much of the amount tendered and accepted as when added to the deposit will leave £75 (sterling) to be paid for each £100 of stock On the day of 18 twenty-five per cent. On the day of 18 twenty-five per cent. On the day of 18 twenty-five per cent.] In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture ;

(D) Dividends of £ per cent. per annum payable [quarterly] ;

(E) Dividends on the total amount of stock (calculated from the of 18) to be payable on the [] of 18] ;

(F) Scrip certificates to bearer with coupons attached for the dividends payable [18 and 18] to be issued in exchange for the provisional receipts ;

(G) In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution ;

(H) Stock to be issued in sums of not less than £10 ;

(I) Stock to be transferable in books and not by deed.

Resolved thirdly—

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

Resolved fourthly—

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

A.D. 1890.

(B.)

STOCK RECEIPT.

TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK.

(£ per cent.)

<p>Transfer days :</p> <p>Monday.</p> <p>Tuesday,</p> <p>Wednesday,</p> <p>Thursday,</p> <p>Friday</p> <p>Holidays excepted.</p>	<p>Received this day of 18 of hereinafter called the said transferee</p> <p>the sum of</p> <p>being the consideration for</p> <p>interest or share in the Tunbridge Wells Corporation Redeemable Stock (per cent.) transferable at the and all my property and interest in and right to the same and the dividends thereon by this day transferred unto the said transferee.</p> <p>Witness hand Witness</p>	<p>The proprietors to protect themselves from fraud are recom- mended to accept by themselves or their attorneys all transfers made to them.</p> <p>£ s. d.</p>
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[*Endorsement.*]

NOTICE TO HOLDERS OF TUNBRIDGE WELLS CORPORATION REDEEMABLE
STOCK.

(£ per cent.)

Payment of Dividends.

Dividends are due on the []
unless the [] of either of these months falls on a Sunday in which case
the dividends will be payable on the following day.

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

I. To the stockholders personally or to their attorneys at the [].

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

II By transmission of dividend warrants by post at the risk of the stock-
holder under the following regulations :—

1. Any stockholder residing within the United Kingdom or in the
Channel Islands or the Isle of Man who desires to have his dividend
warrant sent to his address by post must fill up a form of application
to be obtained at the bank or at any of its branches.

A.D. 1890.

2. In the case of joint accounts the applications must be signed by all the members of the account directing the warrant to be sent to one of them at a given address.
3. Post dividend warrants will be crossed "& Co." and will only be payable through a banker. They will be drawn to the order of the stockholder and must be indorsed.

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

Stock Certificates to Bearer.

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

(C.)

CORPORATION STOCK CERTIFICATE.
 BOROUGH OF TUNBRIDGE WELLS.

Number

This is to certify that A.B. of [] is the proprietor of [] pounds of Tunbridge Wells Corporation Redeemable Stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the mayor aldermen and burgesses of the borough of Tunbridge Wells this [] day of [] [18]].

(D.)

TRANSFER IN BOOKS.

TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK.

No. (£ per cent.)

Entered by this day of
 in the year of our Lord one thousand eight
 hundred and do assign and transfer

Witness to the Identity of interest or share in the TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK (£ per cent.) transferable at and all my property and interest in and right to the same and the dividends thereon unto

£	s.	d.

executors administrators or assigns Witness
 hand
 Witness

do freely and voluntarily accept the above stock transferred
 to
 Witness

A.D. 1890.

(E.)

APPLICATION FOR ISSUE OF POWER OF ATTORNEY.

[] the day of 18 .
 From A.B. and C.D. [the registered stockholders in the [] books]

£ _____ TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK.
 (£ per Cent.)

To G.H. [the intended attorney]

Examined by	Dr. fol.	Cr. fol.	Transfer book.
	Posted by	Posted by	

(F.)

POWER OF ATTORNEY FOR SALE AND TRANSFER AND FOR RECEIPT OF
 DIVIDENDS.

Corporate }
 Account }

TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK.
 Acceptance Sale of £ _____ and Dividends.

We _____ appoint

our attorneys and attorney
 for us and in our name and on our behalf—

First—to accept all transfers made or to be made to us of any sum of

TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK ;

Secondly—to sell and transfer all or any part of the sum of

said stock standing in our name in the books of the _____ ;

Thirdly—to receive and give receipts for all dividends or payments due or
 to become due on any sum of the said stock from time to time standing in
 our name in the books of the _____ ;

[Ch. ccxxxv.] *Tunbridge Wells Improvement* [53 & 54 VICT.]
Act, 1890.

A.D. 1890. And also—to do whatever is necessary or proper to be done for the purposes aforesaid or any of them.

In witness whereof we have hereunto affixed our corporate seal this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Sealed with the corporate seal and delivered in the presence of

N.B.—The execution of this letter must be attested by [two] witnesses who are not of the corporate body and who must be present when the corporate seal is affixed.

For further instructions see other side.

[*Indorsement.*]

INSTRUCTIONS FOR EXECUTING THE WITHIN LETTER OF ATTORNEY.

Corporate }
Account }

The date must be inserted in words and not in figures.

The execution must be attested by [two] credible witnesses who are not of the corporate body and who must add their addresses and their qualities professions or occupations.

A witness resident in a town must give the No. of the house as well as the name of the street.

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

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

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

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

I demand to act by this letter of attorney this _____ day of _____ 18

Witness

(G.)

DEED OF TRANSFER.

BOROUGH OF TUNBRIDGE WELLS.

I A.B. of [_____] in consideration of the sum of [_____] pounds paid to me by C.D. of [_____] (hereinafter called the said transferee) do hereby transfer to the said transferee the sum of [_____] pounds Tunbridge Wells Corporation Redeemable Stock standing [or part of the stock standing] in my name in the books of the mayor, aldermen and

burgesses of the borough of Tunbridge Wells to hold unto the said transferee his executors administrators and assigns [or successors and assigns] subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

A.D. 1890.

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

(H.)

DIVIDEND WARRANT.

TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK.

(£ _____ per cent.)

To the _____

Pay to the bearer the sum of _____
 for one-half of a year's dividend on the sum
 of £ _____ TUNBRIDGE WELLS
 CORPORATION REDEEMABLE STOCK (£
 per cent.) due
 18 . Less property tax at *d.* per £ _____

I do hereby acknowledge to have received of _____ the above-mentioned sum in full payment for one-half of a year's dividend due as aforesaid.

Witness my hand this _____ 18

Witness _____

(I.)

DIVIDEND WARRANT BY POST.

(1.)

TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK

(£ _____ per cent.)

REQUEST FOR TRANSMISSION OF DIVIDEND WARRANTS BY POST.

To the _____

A sum of £ _____ TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK
 (£ _____ per cent.) is now standing in _____ name as follows:—

Amount.
 "my" or "our."

_____	_____
_____	_____
_____	_____

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

As the person entitled to the dividends upon the above-mentioned amount of stock hereby request the said _____

"I" or "we."

A.D. 1890.

"my" or "our." to send through the post at risk and until further notice
the warrants so drawn to—

If the account is a sole one insert here the name and address of the stockholder. If the account is a joint one insert here the name and address of one of the stockholders as nominee.

Name _____

Present address _____

SIGN HERE.

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

18 ____.

[On second half-sheet of same form.]

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

NOTICE TO HOLDERS OF TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK
(£ per cent.)

Transmission of Dividend Warrants by Post.

Dividends upon the above-named stock may be transmitted through the post to the stockholder in sole accounts and to any one of the stockholders in joint accounts at their risk upon a form of request being duly filled up and forwarded to (Forms are obtainable at

).

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

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

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

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

Dividends are payable on [].

When the [] happens on a Sunday the dividends are not payable until the [].

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

For the dividend payable [] the balance is struck on or about the [].

For the dividend payable [] the balance is struck on or about the [].

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

A.D. 1890.

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

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

As postal dividend warrants are made payable to order they must be indorsed. They are crossed in blank and consequently are only payable on presentation by a banker. (The [] will not undertake to cross postal dividend warrants with the names of particular bankers).

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

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

All communications with reference to postal dividend warrants should be addressed to _____ and the postage should be prepaid.

(2.)

POST DIVIDEND WARRANT.

TUNBRIDGE WELLS CORPORATION REDEEMABLE STOCK.

(£ per cent.)

To

Pay to me or my order on demand the sum of
 being one-half of a year's dividend at £
 per cent. per annum due on the 1st day of

18

on the sum of

£

{ Tunbridge Wells Corpora-
 tion Redeemable Stock
 (£ per cent.)

Less property tax at per £

--	--	--	--	--

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

