



CHAPTER ccv.

An Act to confer upon the Mayor Aldermen and Burgesses of the Borough of Pwllheli powers in regard to the Harbour Markets and Water Supply of the said borough and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS the borough of Pwllheli (in this Act called "the borough") is under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas for many years past the Corporation have maintained and exercised powers of control over the harbour of Pwllheli and have levied rates on vessels using the same but doubts have arisen as to the legality of their action and it is expedient that such doubts be removed and that the powers in regard to the harbour in this Act contained be conferred upon the Corporation:

And whereas by an Act passed in the fifty-first year of the reign of George III. intituled "An Act for inclosing lands in the parish of Aberdaron and other parishes and places therein mentioned in the county of Carnarvon" a commissioner was appointed for setting out dividing allotting and inclosing certain commons marshes and waste lands in that Act referred to and for embanking and draining and otherwise improving the same:

And whereas in pursuance of the last recited Act an embankment (in this Act called "the embankment") was constructed in the parish of Denio for reclaiming certain lands in that parish and other parishes and certain lands were set aside for the repair of the embankment and for a reservoir for preventing the flooding of the said reclaimed lands:

And whereas for many years past the Corporation have at their own expense kept the embankment in repair and have exercised control over the same and over the lands set aside as aforesaid and it is expedient that the embankment and such lands be vested in

A.D. 1897. the Corporation and that the powers in this Act contained with reference thereto be conferred upon the Corporation :

And whereas the Corporation are or claim to be entitled to the exclusive right of holding markets and fairs within the borough and it is expedient that better provision be made as in this Act mentioned in regard to their markets and fairs :

And whereas by the Pwllheli Water Order 1880 confirmed by the Gas and Water Orders Confirmation Act 1880 powers were conferred upon the undertakers therein mentioned to construct maintain and continue the waterworks therein described and to supply water in the borough and in the then parishes of Llangybi Abererch and Denio in the county of Carnarvon :

And whereas the undertaking authorised by the Order of 1880 is or is claimed to be vested in Thomas Lloyd Robert Owen Jones Thomas Hunter Hughes Samuel Lloyd Ann Hughes Elizabeth Watkins William Williams David Thomas Evans Sidney Owen Griffith Thomas William Evans and William Williams who carry on the undertaking under the style of the Pwllheli Water Company and are in this Act referred to as the water company and the affairs of that company are managed by the first four of the above-named persons who are in this Act called the directors of the water company :

And whereas an agreement has been entered into between the water company and the Corporation for the sale of that company's undertaking to the Corporation upon the terms and conditions appearing in this Act and it is expedient that the said agreement be carried into effect and the undertaking transferred to the Corporation as provided by this Act :

And whereas the supply of water from the waterworks authorised by the Order of 1880 is inadequate to meet the present and growing demands of the inhabitants within the limits of that Order and it is expedient that the Corporation be empowered to make and maintain the additional works by this Act authorised :

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

And whereas estimates have been prepared by the Corporation showing that they require to borrow the following sums for the following purposes (namely) :—

| | £ |
|--|-------|
| For the improvement of the harbour and other purposes of the harbour undertaking of the Corporation | 5,000 |
| For the widening and improvement of the embankment and of the bridge and sluices connected therewith | 800 |

For the purchase of land for and the extension improvement and fitting up of the town and market hall and for the setting out and adapting of the Maes for a horse and cattle market - - - - 4,000

For the purchase of the undertaking of the water company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act) and for the purchase of the lands and the execution of the waterworks by this Act authorised to be purchased and made - - - - 12,000

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-first day of November one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Udgoron Rhyddid* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and the district fund and general district rate of the borough :

And whereas such resolution was published twice in the said *Udgoron Rhyddid* and has received the approval of the Local Government Board :

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

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

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

A.D. 1897. Carnarvon and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Pwllheli Corporation Act 1897.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Harbour.

Part III.—Embankment.

Part IV.—Markets and Fairs.

Part V.—Water.

Part VI.—Finance.

Part VII.—Miscellaneous.

Incorporation of Acts.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :—

The Lands Clauses Acts ;

The Harbours Docks and Piers Clauses Act 1847 (except sections 25 26 and 50 of that Act) ;

The Markets and Fairs Clauses Act 1847 (except sections 43 to 50 of that Act) ;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) but that Act shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from section 44 ;

The Waterworks Clauses Act 1863 :

Provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act unless required by the Board of Trade.

Interpretation.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless

there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

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“The undertakers” or “the company” means the Corporation:

In this Act for the purposes of the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act “the harbour” means the harbour of Pwllheli as defined in this Act and “the prescribed limits” means the harbour as so defined:

And in this Act unless the subject or context otherwise requires—

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

“The borough” means the borough of Pwllheli;

“The council” means the council of the borough;

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

“The Order of 1880” means the Pwllheli Water Order 1880 confirmed by the Gas and Water Orders Confirmation Act 1880:

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act and in the enactments incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

5. This Act except Part II. and Part V. thereof and except where otherwise expressed or implied shall apply only to the borough. Limits of Act.

6. This Act shall be carried into execution by the Corporation acting by the council. Execution of Act.

PART II.—HARBOUR.

7.—(1) The area bounded on the south by an imaginary straight line drawn from Mynydd-tir-y-cwmmwd Llanbedrog to Penochain point on the east by an imaginary straight line drawn in a south-easterly direction from the point where the boundary of the borough crosses the Abererch Road to the southern boundary line herein-before described on the north by the line of high-water mark and on the west by an imaginary straight line drawn in a south-south-easterly direction from the western boundary of the borough at the foreshore to the southern boundary line herein-before

Pwllheli harbour.

A.D. 1897. described shall be and is hereby constituted the harbour of Pwllheli and the Corporation shall be the harbour authority of that harbour Provided that the Corporation shall not demand recover or receive rates in respect of vessels unless the same shall pass west of a straight line drawn from the eastern end of Gimlet Rock to the point where the boundary of the borough crosses the Abererch Road which line is shown by a dotted black line upon the harbour map or unless the same are wholly or partly loaded or unloaded by means of lighters passing west of such line.

(2) The area above described is shown in red colour on a map signed in duplicate by James William Lowther Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (in this Act called "the harbour map") and the said maps shall respectively within three weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office.

(3) If there shall be any discrepancy between the description of the harbour contained in this section and the harbour map the latter shall prevail.

(4) Copies of the harbour map certified by the town clerk to be true copies shall be received in all courts of justice and elsewhere as *prima facie* evidence of the limits of the harbour.

Vesting of
harbour in
Corporation.

8. So much of the harbour and of the lands quays roads works and conveniences comprised therein as at the passing of this Act is in the possession or under the control of the Corporation shall be or continue vested in the Corporation.

Powers of
Corporation
for improve-
ment of
harbour.

9. Subject to the provisions of this Act the Corporation may continue to maintain the harbour and may from time to time construct maintain alter and improve quays piers landing and shipping places jetties wharves embankments walls sewers drains watercourses roads bridges sluices gates approaches buoys mooring-posts and other works and conveniences and may lay down and construct rails tramways and sidings on or along the quays piers and other works within the harbour and may alter dredge scour deepen widen enlarge cleanse improve and maintain and lay down buoys in the entrances channels and waterways of the harbour and may blast cut dig and remove rocks clay sand and other substances within the harbour Provided that any tramway constructed under the powers of this Act shall not be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

10. The Corporation may demand recover and receive for the use of the harbour in respect of the vessels matters and things specified in the First Schedule to this Act any sums not exceeding the rates in that schedule mentioned Provided that until the Board of Trade shall certify under the hand of one of the secretaries or assistant secretaries of that Board that further facilities have been provided at the harbour for the shipping resorting thereto the sums which the Corporation may demand recover and receive shall not exceed one-half of the rates specified in that schedule.

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Power to levy rates.

11. The Corporation may vary or extinguish exemptions from and enter into compositions with any person or persons with respect to the payment of the rates and charges authorised by this Part of this Act but so that no preference be in any case given to any person.

Power to compound rates.

12. Officers of the Board of Trade and of the Inland Revenue being in the execution of their duty shall at all times have free ingress passage and egress into along through and out of the harbour by land and with their vessels and otherwise without payment.

Government officers to have access to harbour.

13. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

Works below high-water mark not to be commenced without consent of Board of Trade.

14. The Corporation shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve If the Corporation fail to comply in any respect with the provisions

Lights during construction.

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of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights after
completion
of works.

15. The Corporation shall at the outer extremity of their works below high-water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House Deptford Strond shall from time to time direct. If the Corporation fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of
works by
Board of
Trade.

16. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Abatement
of work
abandoned
or decayed.

17. If a work constructed by the Corporation on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Pilotage
authority.

18. The Corporation shall be a pilotage authority within the meaning of the Merchant Shipping Act 1894 for the district comprising the harbour.

Confirmation
of byelaws.

19. All byelaws made by the Corporation under the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act shall be confirmed by the Board of Trade and a copy of any such byelaws purporting to be signed by a secretary or an assistant secretary to that Board shall be *prima facie* evidence of the existence due making and confirmation thereof.

PART III.—EMBANKMENT.

Vesting
embankment
and lands in
Corporation.

20. The embankment and lands bearing respectively the numbers 5 6 and 7 on the deposited plans for the parish of Denio are hereby vested in the Corporation and the Corporation may repair alter widen improve work and use the embankment and the bridge

and sluices connected therewith and may appropriate any part or parts of the lands vested in the Corporation by this section for the purposes of a public pleasure-ground and the provisions of the Public Health Acts in relation to parks and pleasure-grounds shall apply to any lands appropriated for the purposes of a public pleasure-ground under the provisions of this section. Provided that the lands numbered 7 on the deposited plans for the parish of Denio shall not be deemed to include more than the dwelling-house erected thereon and the yard held in connexion therewith.

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PART IV.—MARKETS AND FAIRS.

21. The Corporation may on lands acquired by them for the purposes of this section extend enlarge and improve their town and market hall and fit up furnish and equip the same and the Corporation may appropriate the lands known as the Maes for market and fair purposes and may set out and adapt the same for those purposes and construct and maintain thereon such stalls sheds pens slaughter-houses buildings roads works and conveniences as they may think necessary and the Corporation may regulate the markets and fairs held at the market hall of the Corporation and at the Maes.

Extension of town and market hall and construction of new market.

22. From and after the signing of the certificate under section 32 of the Markets and Fairs Clauses Act 1847 that the Maes is completed and fit for the use of the persons resorting thereunto the markets and fairs held in the borough elsewhere than at the market hall of the Corporation and at the Maes shall be discontinued.

Discontinuation of markets except in market hall and Maes.

23. The Corporation may make byelaws specifying and defining the goods animals and things which may be brought or delivered upon or into any market or fair of the Corporation and the several parts thereof.

Byelaws as to markets and fairs.

24. The Corporation may as regards the market hall immediately after the passing of this Act and as regards the Maes on the signing of the certificate of the completion thereof under section 32 of the Markets and Fairs Clauses Act 1847 demand and take tolls stallages and rents in respect of their markets fairs and slaughter-houses not exceeding those specified in the Second Schedule to this Act and the Corporation may demand and take such tolls in respect of articles and things sold in their markets or fairs other than the articles and things specified in the Second Schedule to this Act as the Local Government Board may upon the application of the Corporation sanction. Provided that the tolls stallages and rents specified in that schedule may be altered and

Power to take tolls.

A.D. 1897. — added to by the Local Government Board on the application of the Corporation and provided that the Corporation shall not make any charges for the weighing of cattle sheep or swine exceeding those authorised by the Markets and Fairs (Weighing of Cattle) Acts 1887 and 1891 and any Act amending the same.

Corporation may sell animals &c. left in market.

25. Every animal or article brought into any market of the Corporation and left therein after the hour of closing the same (except such as may be left in charge of the market keeper) may be taken possession of by the market keeper and if the same being of a perishable nature be not claimed within two hours after the closing of the market or not being of a perishable nature be not claimed within seven days thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale after deducting any unpaid tolls and charges due in respect thereof and the expenses of detention and sale to the owner on demand if such demand be made within one month after the sale but if it be not so made the proceeds of the sale shall be forfeited to the Corporation.

Power to let stalls.

26. The Corporation may let any stalls standing-places benches and other conveniences in their markets for such periods (not exceeding seven years) and upon and subject to such terms and conditions as the Corporation think fit.

Saving Diseases of Animals Act 1894.

27. Nothing in this Part of this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order regulation licence or act of the Board of Agriculture or of any local authority made granted or done thereunder.

PART V.—WATER.

Water limits.

28. The limits of this Act for the supply of water (in this Act called "the water limits") shall be the borough and the parishes of Llangybi and Abererch in the county of Carnarvon.

Purchase of undertaking.

29.—(1) The water company shall sell to the Corporation and the Corporation shall purchase the undertaking of the water company for the consideration and upon and subject to the terms and conditions in this Act stated or appearing.

(2) The purchase money shall be the sum of seven thousand seven hundred and eighty-nine pounds.

(3) Subject to the provisions of this Act the sale and purchase shall comprise all lands works mains machinery plant assets and effects of whatever nature or kind belonging to the water company on the thirty-first day of March one thousand eight hundred and ninety-seven for the purposes of or in connexion with their

undertaking and all other the undertaking of the water company with their rights powers and privileges subject to all obligations and liabilities attached to or affecting the same.

(4) The sale and purchase shall be deemed to take effect as from the thirty-first day of March one thousand eight hundred and ninety-seven and the water company shall pay and discharge all outgoings and liabilities of every kind due or payable in respect of the undertaking and be entitled to receive all water rents and other sums payable to the water company on or before that date.

(5) The sale and purchase shall be completed within one month after the passing of this Act on a date to be fixed by the Corporation and as from the thirty-first day of March one thousand eight hundred and ninety-seven until the date of completion the water company shall be deemed to have carried on and shall carry on their undertaking for the benefit of the Corporation.

(6) On the completion of the purchase the Corporation shall pay to the water company interest as from the thirty-first day of March one thousand eight hundred and ninety-seven at the rate of five per centum per annum upon the sum of seven thousand three hundred and seventy-two pounds.

30. The receipt in writing of three of the directors of the water company for any money payable to the water company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said Bank for the money which shall have the same effect as the receipt of the directors of the water company.

Receipt for
purchase
money.

31.—(1) On payment by the Corporation of the amount of purchase money in accordance with the provisions of the last preceding section of this Act the water company's undertaking with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation subject to the provisions of this Act and such transfer and vesting are in this Act referred to as "the transfer."

Transfer.

(2) The production of a Queen's printers' copy of this Act duly stamped together with a receipt for the purchase-money purporting

A.D. 1897. — to be signed by three of the directors of the water company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the water company's undertaking.

Maintenance of undertaking by company till transfer.

32. Until the transfer the undertaking of the water company shall be maintained and carried on by that company as heretofore in the ordinary course of business but the water company shall not without the previous consent of the Corporation under the hand of the town clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Contracts of water company to be binding on Corporation.

33. Subject to the provisions of this Act all agreements contracts conveyances deeds and other instruments affecting the water company and in force on the thirty-first day of March one thousand eight hundred and ninety-seven shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the water company the Corporation had been a party thereto.

Books &c. to remain evidence.

34. All books and documents which if the transfer of the water company's undertaking by this Act authorised had not been made would have been evidence in respect of any matter for or against the water company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Repeal of Order of 1880.

35. As from the transfer of the water company's undertaking in accordance with this Act the Order of 1880 shall be repealed.

Maintenance of waterworks.

36. The Corporation may from time to time maintain renew extend and repair the reservoirs mains pipes and other waterworks for the time being belonging to them by virtue of this Act or otherwise and may use and employ the same for the purpose of taking intercepting and impounding any water that can be thereby taken intercepted or impounded and may sell and supply water in accordance with the provisions of this Act.

Power to make waterworks.

37. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks following (that is to say) :—

- (1) A service reservoir to be situate at Drefain in the parish of Abererch in the field numbered 467 on the $\frac{1}{2500}$ Ordnance map (1889) for that parish :

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(2) A conduit commencing in the existing reservoir of the water company situate at Mur-y-Cwyp in the parish of Llangybi and terminating in the service reservoir herein-before described :

(3) A conduit commencing in the service reservoir herein-before described and terminating by a junction with the existing main of the water company in the road from Pwllheli to Carnarvon at or near to the boundary of the borough :

Together with all proper embankments dams sluices weirs outlets overflows washouts bridges roads approaches wells pumps engines tanks basins gauges filter-beds pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes junctions valves telegraphs telephones houses buildings and conveniences connected with or ancillary to the said works or any of them or necessary for inspecting maintaining repairing cleansing managing working and using the same Provided that any telegraphs or telephones constructed and maintained under the authority of this Act shall not be used in contravention of the privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

38. In constructing the waterworks by this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and to any extent downwards Provided that no part of the conduits by this Act authorised shall be constructed above the surface of the ground except so far as is shown on the deposited sections.

Power to deviate.

39. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Part of this Act and may for the purpose of their waterworks take collect use and appropriate all such streams springs and waters as can be taken or collected by the waterworks authorised by this Act and all waters found in on or under any of the lands acquired by the Corporation.

Power to take lands and waters.

40. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

41. If the waterworks by this Act authorised and delineated on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise

Period for completion of works.

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in relation thereto shall cease except as to such of them or so much thereof respectively as are then completed.

Reservation
of water
rights &c.
on sale.

42. 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 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.

Power to
hold lands
for pro-
tection of
works.

43. The Corporation may hold any lands acquired by them under the powers of this Act which they may deem necessary for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks nor shall they cause or permit a nuisance thereon.

General
power for
construction
of additional
waterworks.

44.—(1) The Corporation may for the purposes of their water undertaking construct lay down erect and maintain such aqueducts conduits mains pipes culverts sluices wells reservoirs tanks cisterns engines machinery buildings works and conveniences as they may from time to time deem necessary.

(2) The Corporation shall in carrying out the provisions of subsection (1) of this section have the powers of a local authority under section 54 of the Public Health Act 1875 in respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Corporation.

(3) In the exercise of the powers of this section the Corporation shall be subject to the provisions so far as they are applicable of the Public Health Acts in the same manner and to the same extent as if such powers were conferred by those Acts.

Limit of
pressure.

45. The water supplied by the Corporation need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the existing reservoirs of the water company.

Rates for
supply of
water for
domestic
purposes.

46. The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient

supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence;

Where such rateable value exceeds five pounds the rate of eight per centum upon such rateable value.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there be no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices.

47. In addition to the foregoing charges the Corporation may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as water rates.

Rates for waterclosets and baths.

48. The Corporation shall not be compelled to supply with water any water-closet or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Corporation nor any bath which shall be capable of containing more than fifty gallons.

Corporation not to be compelled to supply certain closets and baths.

49. For preventing waste misuse undue consumption or contamination of the water of the Corporation the following provisions shall have effect (that is to say):—

Byelaws for preventing waste &c. of water.

(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnection alteration and repair of the pipes meters cocks ferrules valves soil-pans water-closets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be

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used and forbid any arrangements and the use of the several things before mentioned or any of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination :

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply :

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

Supply of water for other than domestic purposes and by measure.

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

Injuring meters &c.

51. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument

or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to Corporation to supply materials.

52. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Corporation not bound to supply several houses by one pipe.

53. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Notice of discontinuance.

54. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the office of the Corporation.

Where several houses supplied by one pipe each to pay.

55. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Corporation by a distinct pipe Provided that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Misuser where supply to several houses by a pipe common to all.

56. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Corporation to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Supply of water in bulk.

57. The Corporation may enter into and carry into effect agreements with any urban or rural district council or parish council of any district or parish within or beyond the water limits or any company authorised to supply water under parliamentary authority within any such district or parish for the supply by the Corporation

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to such council or company respectively of water in bulk. Provided that it shall not be lawful for the Corporation to supply water under any such agreement as aforesaid beyond the water limits and within the limits of supply of any local authority or company without their consent nor if and so long as such supply shall interfere with the continuous supply of water for domestic purposes within the water limits.

Provision for sale of portion of waterworks and plant to other sanitary authorities.

58. If at any time after the passing of this Act any local authority whose district is beyond the borough but as to the whole or any part thereof within the water limits shall give not less than six months' notice in writing to the Corporation of their desire to purchase such portion of the waterworks and plant of the Corporation as is contained within the district of such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Corporation except the reservoirs conduits mains pipes and other works and plant which shall be necessary for obtaining water for and for supplying water within any other part of the water limits and to supply water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such local authority shall purchase the portion of the waterworks and plant of the Corporation (except as aforesaid) within the district of such local authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts. Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament. The Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act. Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water within the district of the purchasing authorities shall cease and determine.

PART VI.—FINANCE.

Power to borrow.

59.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest money for any of the following purposes (that is to say):—

- (A) For the improvement of the harbour and other purposes of the harbour undertaking of the Corporation the sum of five thousand pounds;

- (B) For the widening and improvement of the embankment and of the bridge and sluices connected therewith the sum of eight hundred pounds ;
- (C) For the purchase of land for and the extension improvement and fitting up of the town and market hall of the Corporation and the setting out and adapting the Maes for a horse and cattle market and fitting up of the market by this Act authorised the sum of four thousand pounds ;
- (D) For the purchase of the undertaking of the water company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act) the sum of eight thousand pounds ;
- (E) For the purchase of the lands and the execution of the water-works authorised by this Act to be purchased and made the sum of four thousand pounds ;
- (F) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose :

And the Corporation may with the approval of the Board of Trade borrow such further moneys not exceeding ten thousand pounds as they may require for the purposes (A) in this section mentioned and with the approval of the Local Government Board borrow such further moneys not exceeding ten thousand pounds as the Corporation may require for any of the other purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards the purposes (A) the borough fund and the borough rate and the revenue of their harbour undertaking as regards the purposes (B) the district fund and the general district rate as regards the purposes (C) the borough fund and borough rate and the revenue of the market undertaking of the Corporation as regards the purposes (D) and (E) the district fund and general district rate and the revenue of the water undertaking of the Corporation as regards the purpose (F) the borough fund and the borough rate and the district fund and the general district rate and the revenue of the harbour undertaking of the Corporation and as regards any money borrowed with the approval of the Local Government Board such fund rate or revenue as that Board may prescribe.

60. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained

Mode of raising money.

A.D. 1897. in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Certain regulations of Public Health Act as to borrowing not to apply.

61. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Public Health Act as to mortgages to apply.

62. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Periods for repayment of money borrowed.

63. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within the limit there prescribed within such period or periods not being less than thirty nor more than fifty years from the date or dates of the borrowing of the same as the Board of Trade may sanction ;

As to moneys borrowed for the purposes (B) (C) and (D) mentioned in the said section within the limits there prescribed within fifty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purposes (E) mentioned in the said section within the limit there prescribed within sixty years from the date or dates of the borrowing of the same ;

As to money borrowed for the purpose (F) in the said section mentioned within ten years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Board of Trade or the Local Government Board within such period as the respective Board may think fit to sanction.

Made of payment off of money borrowed.

64. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made not later than the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made.

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

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Sinking
fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

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

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

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

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

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

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

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

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

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

Protection of lender from inquiry.

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

Corporation not to regard trusts.

68. The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Appointment of receiver.

69. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Power to re-borrow.

70.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the

Annual return to Local Government Board.

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provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Application
of money
borrowed.

71. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Separate
accounts to
be kept.

72. The Corporation shall keep separate accounts of their receipts and expenditure from or in respect of their harbour undertaking on capital and revenue account and where any expenses are incurred in respect of the harbour undertaking and any other account jointly the Corporation shall apportion such expenses between the harbour undertaking and such other account and the Corporation shall transmit to the Board of Trade annually a copy of the accounts relating to the harbour undertaking.

Application
of revenue
from under-
takings.

73. The Corporation shall apply all money from time to time received by them in respect of their harbour market and water undertakings respectively except money borrowed and money derived

from the sale of surplus lands or other moneys received on capital account as follows (that is to say):— A.D. 1897.

First.—In payment of the working and establishment expenses and cost of maintenance of the said undertakings respectively ;

Secondly.—In payment of the interest on moneys borrowed by the Corporation under this Act for the purposes of those undertakings respectively :

Thirdly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Corporation for the purposes of those undertakings respectively ;

Fourthly.—In extending improving or constructing (if the Corporation think fit) any works for the purposes of those undertakings respectively :

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the revenue of their market undertaking as may in the opinion of the Corporation not be required for carrying on that undertaking and for paying the current expenses connected therewith and to the district fund so much of any balance remaining in any year of the revenue of their water undertaking as may in the opinion of the Corporation not be required for carrying on that undertaking and for paying the current expenses connected therewith.

74. Any deficiency in the revenues of the Corporation on account of their harbour and market undertakings shall be from time to time made good out of the borough fund and any deficiency in the revenues of the Corporation on account of their water undertaking shall be from time to time made good out of the district fund and the next borough rate or general district rate as the case may be after any such deficiency shall have been ascertained shall be increased accordingly Provided that any moneys paid out of the borough fund in respect of the harbour undertaking of the Corporation shall be a debt due from that undertaking to the borough fund and shall be repaid to that fund together with interest at the rate of four pounds per centum per annum out of the revenues of the harbour undertaking at such time as the Corporation shall determine. Deficiency in revenues.

75. The accounts or receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882. Audit of accounts.

76. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and the Expenses of execution of Act.

A.D. 1897. — borough rate or the district fund and the general district rate as the Corporation may in their discretion having regard to the objects of the expenditure deem just.

Proceeds of sale of surplus lands.

77. The proceeds of the sale of any lands of the Corporation shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such proceeds shall not be re-borrowed.

PART VII.—MISCELLANEOUS.

Persons under disability may grant easements &c.

78. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Purchase of additional lands by agreement.

79. The Corporation in addition to any lands which they are otherwise by this Act authorised to acquire may from time to time by agreement purchase take on lease and acquire and hold for the purposes of this Act any lands not exceeding in the whole twenty acres but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

Restriction on taking houses of labouring class.

80. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "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 of such persons who may be residing with them. A.D. 1897.

81. The Corporation may sell lease and dispose of any lands acquired by or vested in them under this Act and not for the time being required for the purposes thereof. Power to sell lands.

82. The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary authority) shall apply to byelaws made by the Corporation under Part IV. and Part V. of this Act and under the provisions of the Markets and Fairs Clauses Act 1847 incorporated with this Act. As to byelaws.

83. The Board of Trade may direct any inquiries to be held by persons appointed by them which they may deem necessary in regard to the exercise of any powers conferred upon them by or the giving of any consents under this Act and the expenses incurred by the Board of Trade in relation to any such inquiries shall be paid to the Board by the Corporation. Inquiries by Board of Trade.

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

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

85. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed. Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence and provided that in cases where the provisions of this Act conflict with the provisions of the Public Health Acts the former shall prevail. Powers of Act cumulative.

86. Where any notice summons or other document (except a conveyance contract or security) under this Act requires authentication by the Corporation the signature thereof by the town clerk shall be a sufficient authentication and any notices summonses and Authentification and service of notices.

A.D. 1897. — other documents required or authorised to be served under this Act may be served in manner prescribed by section 267 of the Public Health Act 1875.

Recovery of penalties &c.

87. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Penalties to be paid over to the treasurer &c.

88. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation be paid to the treasurer of the borough and be by him as to penalties in connexion with the harbour and markets and fairs of the Corporation carried to the credit of the borough fund and as to penalties in connexion with other matters to the credit of the district fund.

Saving rights of the Crown in the foreshore.

89. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights of the Crown.

90. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Costs of Act.

91. All 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 of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1897.

THE FIRST SCHEDULE.

HARBOUR TOLLS.

CLASS I.—For all vessels coming from oversea ports unloading within the limits of the harbour the sum of sixpence per ton.

CLASS II.—For all coasting vessels unloading within the limits of the harbour the sum of fourpence per ton.

CLASS III.—For all vessels driven into the harbour by stress of weather or other sufficient cause and not loading or unloading within the harbour any part of the cargo thereof and all vessels entering in ballast or with limestone the sum of twopence per ton.

CLASS IV.—For all vessels loading within the limits of the harbour the sum of threepence per ton.

For all vessels included in the above classes (except vessels prevented from leaving the harbour by embargo or stress of weather) remaining in the harbour longer than fifteen days a further rate of one penny per ton for every week and so on in proportion for any period less than a week beyond fifteen days.

CLASS V.—For every fishing boat or vessel not exceeding 30 tons the sum of two shillings and for every fishing boat or vessel exceeding 30 tons the sum of three shillings for each occasion upon which such boat or vessel shall enter the harbour or for every fishing boat or vessel the following yearly rates:—

| | £ | s. | d. |
|--|---|----|------|
| When it does not exceed 10 tons | - | 0 | 10 0 |
| When it exceeds 10 tons but not exceed 30 tons | - | 1 | 0 0 |
| When it exceeds 30 tons | - | 1 | 5 0 |

CLASS VI.—For all yachts moored within the harbour the following sums for each occasion upon which they shall enter the harbour namely:—

| | s. | d. |
|--|----|------|
| In the case of a yacht not exceeding ten tons the sum of | - | 2 6 |
| In the case of a yacht exceeding ten tons but not exceeding twenty tons the sum of | - | 5 0 |
| In the case of a yacht exceeding twenty tons the sum of | - | 10 0 |

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THE SECOND SCHEDULE.

TOLLS RENTS AND STALLAGES AUTHORISED TO BE
TAKEN IN THE MARKET HALL.

| | s. | d. |
|--|----|----|
| For every handbasket containing butter eggs vegetables fruits or any other article of provision not exceeding ten pounds in weight | 0 | 1 |
| For every additional five pounds weight in each basket | 0 | 0½ |
| For every bag of potatoes carrots turnips or other vegetables apples pears plums or other fruit | 0 | 3 |
| For every basket or hamper of potatoes | 0 | 2 |
| For every tub of butter not exceeding thirty pounds in weight | 0 | 2 |
| For every tub of butter containing thirty pounds and more | 0 | 3 |
| For game and poultry including fowls chickens ducks pheasants partridges grouse woodcock snipe wild fowl hares and rabbits | | |
| per couple | 0 | 1 |
| For every goose or turkey | 0 | 1 |
| For every sack containing not more than four bushels of corn grain seeds flour meal or barn pitched or set down | 0 | 2 |
| For every hundredweight of cheese | 0 | 3 |
| For every ham | 0 | 1 |
| For every fitch of bacon | 0 | 1 |
| For every brace of onions | 0 | 0½ |
| For every lot or parcel of wool belonging to one person not exceeding fifty-six pounds | 0 | 1 |
| For every basket hamper parcel or quantity of any other goods commodities articles or things exposed or offered for sale not before specifically charged or enumerated or falling within any of the preceding heads (that is to say):— | | |
| Not containing more than one bushel | 0 | 2 |
| And for every additional half bushel | 0 | 1 |
| For every stall or standing for the sale of butchers' meat fish vegetables and other articles of provision according to size for each superficial foot | 0 | 2 |
| For every stall or standing for the sale of manufactured goods wares or merchandise according to size for each superficial foot | 0 | 3 |

TOLLS RENTS AND STALLAGES AUTHORIZED TO BE TAKEN A.D. 1897.
IN RESPECT OF THE MARKET AT THE MAES.

| | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|
| For every bull cow bullock steer or heifer when number does not exceed three | 0 | 3 |
| For every bull cow bullock steer or heifer in excess of three in number | 0 | 2 |
| For every calf | 0 | 1 |
| For every sheep or lamb | 0 | 1 |
| For every pig | 0 | 1 |
| For every horse mare or gelding | 0 | 6 |
| For every colt filly mule or ass | 0 | 3 |
| For every stallion exposed or shown on a fair or market day | 2 | 0 |
| For every cart caravan or other vehicle used for exposing for sale manufactured goods wares or merchandise of any kind whatsoever per day | 5 | 0 |
| The like containing fruits potatoes turnips carrots vegetables or other agricultural produce | 0 | 6 |
| For every moveable truck or barrow used for exposing for sale any article or thing whatsoever | 0 | 3 |
| For every public show exhibition or performance and all private stalls and standings for the sale of any article or thing or in respect whereof any payment is made or charged and all roundabouts shooting galleries and the like occupying a space not exceeding fifty feet superficial measure for each day not exceeding | 5 | 0 |
| And if occupying a larger space than fifty feet then for every additional superficial foot for each day not exceeding | 0 | 2 |

The several tolls rents and stallages mentioned in this Schedule and payable for and in respect of the occupation or use of any stall standing-place sitting bench compartment or space of ground shall be payable and paid for each and every market day as well by the original occupier thereof for a part or portion of the day in case he shall not occupy the same the whole day as also by any subsequent occupier of the same for any part of the remainder of the same day.

TOLLS FOR SLAUGHTER-HOUSE.

| | <i>s.</i> | <i>d.</i> |
|---|-----------|-----------|
| For every bull ox cow bullock steer or heifer | 1 | 6 |
| For every calf | 0 | 4 |
| For every sheep or lamb | 0 | 2 |
| For every hog or pig | 0 | 8 |
| For any other beast | 2 | 0 |

A.D. 1897.

TOLLS FOR WEIGHING AND MEASURING.

For weighing any article or thing sold in the market places or places for fairs by weight:—

| | <i>s.</i> | <i>d.</i> |
|---|-----------|-----------|
| For any quantity not exceeding fifty-six pounds (avoirdupois) | 0 | 1 |
| Above fifty-six pounds and not exceeding one hundredweight | 0 | 2 |
| And so on in proportion for any greater or smaller quantity than one hundredweight above one hundredweight. | | |
| For every tub of butter | 0 | 2 |
| For every bag of potatoes | 0 | 1 |
| For measuring any quantity of goods or things sold by measure not exceeding one bushel | 0 | 0½ |
| For measuring over one bushel and not exceeding two bushels | 0 | 1 |
| For every bushel beyond two bushels | 0 | 0½ |
| For weighing waggons carts packages or any article or thing on the weighing machines:— | | |
| For every waggon | 1 | 0 |
| For every cart or other carriage | 0 | 6 |
| For every package parcel or other article or thing | 0 | 4 |
| For every sale by auction in any of the market places or streets | 10 | 6 |

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