CHAPTER lxxx.

An Act to authorise the Corporation of Bury to work the tramways in the borough of Bury when acquired by them and to make further and better provision in relation to the local government of the said borough and for other purposes. [13th July 1899.] A.D. 1899.

WHEREAS the county borough of Bury (herein-after called "the borough") is subject to the Acts relating to municipal corporations and is under the government of the mayor aldermen and burgesses of the borough (herein-after called "the Corporation") acting by the council:

And whereas under the powers of the Bury and District Tramways Order 1881 the Manchester Bury and Rochdale Tramways (Extensions) Order 1882 the Manchester Bury Rochdale and Oldham Steam Tramways Act 1884 the Manchester Bury Rochdale and Oldham Steam Tramways (Extension of Time) Act 1885 and the Manchester Bury Rochdale and Oldham Steam Tramways Act 1887 the Manchester Bury Rochdale and Oldham Steam Tramways Company (herein-after called "the tramway company") have constructed various tramways in the borough which tramways the Corporation are empowered by virtue of the said Orders and Acts and the Tramways Act 1870 to purchase at any time within six months after the expiration of twenty-one years from the time when the tramway company was empowered to construct the said tramways and it is expedient that the Corporation if and when they purchase the said tramways should be empowered to run carriages thereon and demand and take tolls and charges in respect of the use of such carriages and to use on the said tramways mechanical or electrical motive power:

And whereas it would be for the benefit of the inhabitants of the borough and it is expedient that the Corporation should be

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empowered to purchase lands as a site for public libraries and an art gallery and to erect thereon the necessary buildings therefor:

And whereas it is expedient that the Corporation should be empowered to purchase land as sites for hospitals for infectious diseases and to erect such buildings thereon:

And whereas the Corporation are the owners of the gasworks whereby the borough and other places are supplied with gas:

And whereas the Corporation have borrowed from time to time principal moneys for the purposes of their gas undertaking and it is expedient that the periods within which the Corporation are bound to repay the moneys so borrowed and to be borrowed should be extended and an uniform period substituted for the periods prescribed by the Acts and Order mentioned and referred to in the First Schedule to this Act for the repayment of loans for gasworks purposes:

And whereas the Corporation under and by virtue of the indentures set forth in the first part of the Second Schedule hereto are the lessees of several plots of land situate in the parishes of Bury and Ratcliffe in the county of Lancaster which several plots of land are used by the Corporation for the respective purposes mentioned in the first part of the said schedule and it is expedient that the Corporation be empowered to acquire the fee simple of the whole of the said lands:

And whereas the Corporation under and by virtue of the indenture set forth in the second part of the Second Schedule hereto are the owners in fee simple of the plot of land situate in the parish of Bury in the county of Lancaster subject to the payment of the rentcharge set forth in the second part of the same schedule and it is expedient that the Corporation should be empowered to acquire such rentcharge:

And whereas it is expedient to repeal section 130 of the Bury Improvement Act 1872 (herein-after referred to as "the Act of 1872") and to empower the Corporation to increase the Bury general rate authorised to be levied and raised by that section in manner herein-after set forth:

And whereas it is expedient that the Corporation be empowered to borrow moneys for the purposes of this Act:

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

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

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the various works authorised by this Act and such estimates are as follows:—

	£
For public libraries and art gallery - -	30,000
For infectious diseases hospitals - - -	20,000
For the purchase of ground rents chief rents and rentcharges and the fee simple and reversion of lands leased to the Corporation - - -	15,000

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 and it is expedient that the Corporation should be authorised to borrow money for those purposes:

And whereas an absolute majority of the whole number of the council at a meeting held on the first day of December one thousand eight hundred and ninety-eight after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the Bury Times a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and rates leviable within the borough:

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

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the 2nd day of February one thousand eight hundred and ninety-nine 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 of the lands which the Corporation may acquire under this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Lancaster which plans and book of reference are in this Act respectively referred to as the deposited plans and book of reference:

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May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 Bury Corporation Act 1899.

Act divided into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Public Libraries and Art Gallery.
Part IV.—Lands.
Part V.—Bury General Rate.
Part VI.—Infectious Diseases Hospitals.
Part VII.—Gas.
Part VIII.—Finance.
Part IX.—Miscellaneous.

Provisions of certain general Acts incorporated.

3. The Lands Clauses 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 and form part of this Act.

Interpretation.

4. The several words and expressions to which by the Public Health Act or Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the Corporation:

And in this Act unless the context otherwise requires—

"The council" means the council of the borough;

"The town clerk" means the town clerk of the borough;

"The treasurer" means the treasurer of the borough;

"Borough fund" "district fund" and "the Bury general rate" mean respectively the borough fund district fund and the Bury general rate of the borough;

"Tramway revenue" means all revenue of the tramways;

"Gasworks" means the gasworks of the Corporation;

"Gas revenue" means all revenue of the gasworks;

"Corporation stock" means Bury Corporation redeemable stock;

"Loans funds" means the loans funds established under the provisions of the Bury Improvement Act 1885 (herein-after referred to as "the Act of 1885");

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

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money (except the securities of the Corporation) and any mortgage bond debenture debenture stock Corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation or any other local authority as defined by section 34 of the Local Loans Act 1875 and section 4 of the Local Authorities Loans (Scotland) Act 1891 in Great Britain (except the Corporation) and not being a security transferable by delivery;

"The tramways" means the tramways for the time being belonging to the Corporation and situate within the borough;

"Mechanical power" includes steam electric and every other power not being animal power;

"Engine" includes motor;

"The Public Health Act" means the Public Health Act 1875 and any Act amending the same;

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

"Carriage" means any vehicle used for the conveyance of persons or goods.

Act to be executed by Corporation.

5. This Act shall be carried into execution by the Corporation acting by the council.

PART II.—Tramways.

Power to Corporation to work tramways.

6.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation if and when they acquire the tramways in the borough may place or run carriages on and may work and may demand and take tolls and charges in respect of the said tramways and in respect of the use of such carriages and may

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provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and may sell exchange or dispose of such of the before-mentioned articles and things as from time to time may no longer be required.

(2) The byelaws and regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

(3) Subject as aforesaid the provisions for the time being in force with respect to the working of the said tramways and the taking of tolls rates and charges therefor shall extend and apply to the tramways for the time being so worked by the Corporation and to the Corporation in relation thereto.

Power to Corporation to erect dynamos &c.

7. For the purpose of working the tramways undertaking or any part thereof the Corporation may erect construct maintain and use dynamos and other electrical apparatus steam engines works and buildings and may use for the purposes aforesaid the existing electrical generating station and works of the Corporation and the lands belonging to the Corporation and authorised to be used for that purpose by the Bury Electric Lighting Order 1890 confirmed by the Electric Lighting Orders Confirmation (No. 2) Act 1890 And on such lands the Corporation may erect maintain and use the existing or such further engines dynamos machinery generating plant buildings works and apparatus as may be necessary or expedient for carrying into effect the objects of this Act but nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted upon the lands to be utilised under the powers of this section.

Provisions as to motive power.

8. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising

from the use under this Act of mechanical power on the tramways and for regulating the use of electric power:

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(*a*) That the Corporation or any company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

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

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

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

9. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines and carriages are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Authentication of byelaws.

10. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Regulations as to use of electric power.

11. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

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(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines circuits and other works of any description and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipe or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or for telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(4) At the expiration of two years from the date when the Corporation commence to work the tramways this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(5) If any difference arises between the Corporation and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric

wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(7) The expression "Corporation" in this section shall include lessees and any person owning working or running carriages over any tramway of the Corporation.

For protection of Postmaster-General.

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

(B) In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3)—(*a*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before

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commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(*b*) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration:

(4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(7) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways

Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

For protection of Lancashire and Yorkshire Railway Company.

13.—(1) Any works which the Corporation may execute for the purpose of adapting the tramways to be worked by mechanical power shall be deemed to be works of constructing and maintaining tramways within the meaning of section 7 of the Bury and District Tramways Order 1881 and the provisions of the first paragraph of that section concluding with the words "simple contract debt" shall enure for the benefit of the Lancashire and Yorkshire Railway Company in respect of any such works accordingly The same provisions shall also apply mutatis mutandis to any works which the Corporation may execute as aforesaid in upon or over any bridge carrying Manchester Road over the connecting railway at Bury authorised by the Lancashire and Yorkshire Railway Act 1891.

(2) Any difference which may arise between the Lancashire and Yorkshire Railway Company and the Corporation respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Carrying of mails by Corporation.

14. Notwithstanding any provision in any Act or Provisional Order relating to the tramways of the Corporation the Conveyance of Mails Act 1893 shall extend and apply to any tramways owned or worked by the Corporation as if such tramways had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

Fares on Sundays or public holidays not to be raised.

15. It shall not be lawful for the Corporation or any person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary working days.

PART III.—Public Libraries and Art Gallery.

Purchase or appropriation of

16. The Corporation may purchase or otherwise acquire compulsorily or by agreement or take use and appropriate such of

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sites for public libraries and art gallery.

the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the following purposes and may on any land belonging to them and not required for the purposes for which it was acquired erect and maintain public libraries and an art gallery and the Corporation may when such respective buildings have been erected fit up and furnish the same with all necessary fittings and appliances.

Limit of library rate extended.

17. For the better and more effectually carrying into execution the powers and duties of the Corporation under the Public Libraries Acts 1892 and 1893 those Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be levied by or added to a rate were extended so as not to exceed the sum of threepence in the pound:

Provided nevertheless the Corporation shall not levy any rate under the said Acts beyond the maximum rate fixed by the said Act of 1892 except to meet expenditure incurred or to be incurred on capital account for the purposes of this Part of this Act.

PART IV.—Lands.

Purchase of lands in lease to Corporation and ground rent.

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

PART V.—Bury General Rate.

Repeal of section 130 of Act of 1872 and power to raise Bury general rate.

19. Section 130 of the Act of 1872 is hereby repealed and from and after the passing of this Act the Bury general rate shall be made and levied upon the owners of small tenements and upon the occupiers of other rateable property within the borough without any restriction or limitation as to the annual amount of such rate:

For the purposes of this section the borough shall mean the borough of Bury as constituted previous to the Act of 1885.

Partial exemption from rating for canals and railways.

20. From and after the passing of this Act section 282 (Rates to be made and rateable property defined) of the Bury Improvement Act 1846 shall be read and construed as if the words "or used

" only as a canal or towing path for the same or as a railway " constructed under the powers of any Act of Parliament for public " conveyance" had been inserted therein before the words " shall " be rated in respect of the same to the general rate in proportion " of one-fourth part only" :

Provided always that the exemption conferred by this section shall not apply to any portion of the Bury general rate which may for the time being be made and levied in respect of moneys borrowed by the Corporation under their existing Acts prior to the passing of this Act.

PART VI.—Infectious Diseases Hospitals.

Power to acquire lands for infectious diseases hospitals.

21. Subject to the provisions of this Act and in addition to the other lands which the Corporation are authorised to acquire the Corporation may enter upon take use and appropriate the lands herein-after in this section described and may erect thereon hospitals for infectious diseases and may rebuild or enlarge their existing hospital for infectious diseases on the lands herein-after secondly described or referred to all which lands are delineated on the deposited plans and described in the deposited book of reference relating thereto and are the following lands (that is to say) :—

(*a*) A piece or parcel of land numbered 109 on the $\frac{1}{2500}$ Ordnance map (Lancashire Sheet LXXXVII. 12 1890) situate in the parish of Bury and county of Lancaster bounded on the northerly side thereof by the Lancashire and Yorkshire Railway (Bury to Bolton) and on the southerly side thereof by the Florence Nightingale Infectious Diseases Hospital and on the westerly side thereof by the occupation road from Wellington Bridge to the canal reservoir and on the easterly side thereof by land reputed to belong to the Earl of Derby and numbered 87 on the same Ordnance map ;

(*b*) A piece or parcel of land being the present site of the infectious diseases hospital known as the Florence Nightingale Hospital and numbered 88 on the same Ordnance map situate in the parish of Bury aforesaid :

Provided that small-pox patients shall not be treated at such hospitals.

PART VII.—Gas.

As to uniform period for repayment of moneys already borrowed.

22. Notwithstanding anything contained in any Act or order authorising the borrowing or raising by the Corporation of the several loans for gasworks purposes mentioned or referred to in the First Schedule to this Act a uniform period of twenty-two years

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from the thirty-first day of March one thousand eight hundred and ninety-nine shall be substituted for the respective periods prescribed by any Act or order for the repayment of those loans and in order to give effect to this enactment the following provisions shall apply (that is to say):—

(1) All statutory provisions and conditions imposed by any public department of State subsisting at the passing of this Act prescribing the time at which or the mode in which any such loans shall be repaid are as regards the said loans hereby repealed and annulled and all such loans shall be paid off within twenty-two years from the thirty-first day of March one thousand eight hundred and ninety-nine Provided that nothing in this subsection shall be construed to compel the holder of any mortgage or other security granted before the passing of this Act to accept payment of the principal due on his security before the time originally fixed or otherwise agreed in that behalf and the Corporation may continue on loan the sums of money secured by any such mortgage or other security until the time originally fixed or otherwise agreed for the repayment thereof:

(2) All payments of any of such loans shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund:

(3) The sinking fund shall be applicable to all such loans as the Corporation do not repay by instalments as aforesaid and shall be as follows The Corporation year by year after the year one thousand eight hundred and ninety-nine shall on or before the thirty-first day of March appropriate and set apart out of the respective funds and rates on the security of which such loans have been raised such sums (the amount of which shall be equal in every year) as will together with the amount on the thirty-first day of March one thousand eight hundred and ninety-nine standing or which should have been standing to the credit of any existing sinking fund formed for the purpose of repaying any such loans when accumulated by way of compound interest at a rate not exceeding three per centum per annum be sufficient to pay off within the said period of twenty-two years the balance outstanding at that date of so much of the principal moneys respectively set forth in the First Schedule to this Act as is to be paid off by means of a sinking fund:

(4) Every such sinking fund existing or which should have been existing on the thirty-first day of March one thousand eight

hundred and ninety-nine shall be made up to the proper amount and shall be transferred to the corresponding account in the sinking fund to be formed under this section Provided that in the event of any existing loan repayable by instalments being paid off at any intermediate period between the periods prescribed for the payment of the instalments the Corporation shall pay into the sinking fund (if any) under this section applicable to such loan a proportionate part of the accruing instalment and if there is no such sinking fund such accruing part shall be applied as the Local Government Board may direct:

(5) The yearly sums so to be appropriated and set apart and the sums so to be transferred shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively and the dividends interest and annual income thereof in any statutory security as herein-before defined Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the current rates and revenues of the Corporation respectively liable for the equal annual payments to the sinking fund:

(6) The Corporation may at any time apply the whole or part of the sinking fund set apart or transferred as aforesaid by them under this Act in or towards the repayment of the loan for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in that case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the loan to which such sinking fund is applicable is discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that when the amount standing to the credit of the sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside 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:

(7) If at the expiration of the aforesaid period of twenty-two years any mortgages granted before the passing of this Act the holders of which cannot be compelled to accept payment of the sums due to them within the said period are still outstanding

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the Corporation may keep invested after the expiration of the aforesaid period of twenty-two years such portion of the aforesaid sinking fund as shall be sufficient to pay off the principal moneys secured by such mortgages and the Corporation shall pay off the same at the times respectively mentioned in that behalf in the respective mortgage deeds and the interest on any such mortgages after the expiration of the said period of twenty-two years and until the same 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 subsection 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 mortgages the deficiency so arising shall be made good out of the respective funds or rates which at the passing of this Act are liable in respect of such mortgages and in the order in which they are so liable:

Provided nevertheless that notwithstanding anything in this section contained all repayments of moneys borrowed for the purposes of the gas undertaking of the Corporation by the creation and issue of Corporation stock shall continue to be made by payments to the loans fund established under the Act of 1885 for the redemption of such stock.

PART VIII.—Finance.

Power to borrow.

23. The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts (when specified) following (that is to say):—

(1) For the erection of public libraries and an art gallery and purchase of land the sum of thirty thousand pounds;

(2) For the purposes of infectious diseases hospitals and purchase of land the sum of twenty thousand pounds;

(3) For the purchase of ground rents chief rents and rent-charges and the fee simple and reversion of lands leased to the Corporation the sum of fifteen thousand pounds;

(4) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

In order to secure the repayment of the moneys borrowed for the purposes aforesaid and the payment of the interest thereon the Corporation may mortgage or charge all or any of the rates tolls and revenues of the Corporation from whatever source derived.

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.

Payment off of borrowed money.

24. 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 period") following (that is to say):—

As to moneys borrowed for the purposes (1) and (2) mentioned in the preceding section within fifty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (3) mentioned in the preceding section within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (4) in the preceding section mentioned within ten years from the date or dates of borrowing the same.

Mode of raising moneys.

25. The Corporation may raise all or any sums of money which they are authorised to borrow under this Act either by mortgage or by the creation and issue of adequate amounts of Corporation stock authorised by the Act of 1885 and all such stock issued after the commencement of this Act under any of the powers aforesaid shall be declared by the resolution creating such stock to be redeemable.

Amendment of Act of 1885 as to Corporation stock.

26.—(1) Notwithstanding anything contained in the Act of 1885 or in any other Act the Corporation may by resolution of the council create and issue redeemable stock bearing such rate of dividend as shall be determined and fixed by the resolution of the council creating any portion of stock and such rate of dividend need not be one and the same but may be different for stock created by different resolutions of the council.

(2) Short particulars of the rate of dividend attached to each issue of stock shall be added to the designation of all stock issued by the Corporation after the passing of this Act thus or to the like effect "Bury Corporation Two-and-a-half per centum (or as the case may be) Redeemable stock."

(3) Notwithstanding anything contained in the Act of 1885 or in any other Act any portion of the stock created by any resolution of the council after the passing of this Act shall be redeemable at the option of the Corporation at par after the expiration of such period not exceeding sixty years from the date of creation as shall be fixed by the resolution creating such portion of stock.

(4) The Corporation shall establish a separate loans fund in respect of each class of stock which bears the same rate of dividend but subject to the provisions of this section all the provisions of the Act of 1885 shall apply to each class of stock.

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(5) No part of the loans fund established for the purposes of the Act of 1885 shall be applied in purchasing or redeeming any stock created under the powers of this section nor shall any loans fund established for the purpose of this section be applied in purchasing or redeeming any stock created under the Act of 1885.

Power to use loans funds instead of exercising borrowing power.

27. Section 144 (Application of loans fund) of the Act of 1885 shall be altered by the addition thereto of the following provisions (that is to say):—

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

(2) The Corporation when exercising the power conferred on them by subsection (1) of this section shall—

(A) Withdraw from the loans fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys in the loans fund and shall determine from which account in the loans fund having amounts to its credit the said sum shall be deemed to be withdrawn;

(B) Transfer stock at par value equal to the sum withdrawn from the loans fund from the last-named account to the account in respect of which the borrowing power is exercised:

(3) The provisions of the Act of 1885 shall apply to the moneys used from a loans fund and to the stock so transferred as aforesaid as though such moneys had been raised by the issue of further stock and to such transferred stock as though it were originally issued stock:

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

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

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

Security for principal moneys.

28. All moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) and not raised by the issue of Corporation stock or by the exercise of the powers of the section of this Act whereof the marginal note is "Power to use loans funds instead of exercising borrowing power" shall be charged indifferently upon all the revenues of the Corporation which expression shall include the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates or contributions leviable by or on the precept of the Corporation and the interest for the time being payable thereon shall rank equally with the interest or dividends on all other securities of the Corporation created or granted in pursuance of any statutory borrowing power and such interest and dividends shall be the first charge on all the revenues of the Corporation Provided however that the provisions of this Act shall not prejudicially affect the rights of any existing mortgagee of the Corporation who shall have the same rights and remedies as if this Act had not been passed.

The forms contained in the Third Schedule to this Act or forms to the like effect varied as circumstances may require may be used and shall be sufficient for the purposes of this section.

Power to include lands &c. in mortgages.

29. Where the Corporation have power under this Act or any other Act passed or to be passed to mortgage or charge as security for the repayment of moneys borrowed by the Corporation any of their rates or revenues they may if they think fit include in such mortgage or charge the lands estates undertakings or other property of the Corporation from which such revenue is derived and all or any other property of the Corporation and the same shall be charged accordingly with the repayment of the borrowed moneys and the interest thereon.

Application of sections of Bury Corporation Act 1894.

30. The following sections of the Bury Corporation Act 1894 shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to the moneys borrowed under this Act namely:—

Section 18 Provisions of Public Health Act as to mortgages to apply.

Section 21 Power to re-borrow.

Section 22 Protection of lender from inquiry.

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Section 24 Annual return to Local Government Board with respect to sinking fund.

Mode of repayment of moneys borrowed on mortgage.

31. The Corporation shall repay the moneys borrowed on mortgage under this Act by equal annual instalments of principal or by equal annual instalments of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or the others of them and each sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is 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 pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

The first annual instalment as to moneys borrowed shall be paid into the sinking fund within one year from the 31st day of March next following the time of the borrowing of such moneys.

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.

The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys 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 or part of a sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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 equal annual payments to the sinking fund are based any deficiency shall be made good by the Corporation.

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 equal annual payments to the sinking fund are based

any such excess may be applied towards such equal annual payments.

As to moneys raised by stock.

32. In the event of the Corporation raising any sum of money which they are authorised to borrow under this Act by the creation and issue of Bury Corporation stock under the Act of 1885 the amount of the annual sums payable to the Corporation loans fund under the said Act towards the redemption of stock created and issued by the Corporation for the purposes of this Act shall be such as with accumulations will suffice to redeem at par such stock on the expiration of the prescribed period from the date or dates of the borrowing of the same respectively.

The half-yearly annual or other sums payable to the Corporation loans fund under the Act of 1885 for payment of dividends on and for making a provision towards redemption of such stock shall be payable in the case of stock created under this Act for the purposes of this Act out of the revenue of the undertaking in respect of which the moneys have been borrowed or out of the Bury general rate.

Application of money borrowed.

33. Money borrowed by the Corporation under this Act shall be applied only for the purposes of this Act to which capital is properly applicable and for which it is authorised to be borrowed.

Investment of sinking funds.

34. The Corporation shall invest any sinking fund created under the powers of this Act in statutory securities.

PART IX.—Miscellaneous.

Restriction on taking houses of labouring class.

35. 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.

If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages

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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.

Recovery of demands under fifty pounds.

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

Audit of accounts.

37. The accounts of the 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.

Costs of Act.

38. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining 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 out of the borough fund and borough rate or out of moneys borrowed under the provisions of this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

GASWORKS Borrowing Powers Debt and Sinking Funds &c. at 31st March 1899.

Authority for borrowing.	Amount authorised to be borrowed.	Amount borrowed.		Amount of Debt extinguished by means of Loans Fund and Sinking Fund.		Amount of Debt outstanding at 31st March 1899.		Amount in Loans Fund and Sinking Fund for extinction of Debt.		Period remaining for the repayment of Debt.
		Stock.	Mortgage.	Stock.	Mortgage.	Stock.	Mortgage.	Loans Fund.	Sinking Fund.	
	£ s. d.	£	£ s. d.	£	£ s. d.	£	£ s. d.	£ s. d.	£ s. d.	
Bury Improvement Act 1885 (and previous Acts).	92,044 10 11 (Balance outstanding at 1885).	—	92,044 10 11	—	55,921 0 3	—	36,123 10 8	—	3,526 5 9	8 years.
Bury Improvement Act 1885.	60,000 0 0	43,050	16,950 0 0	8,200	3,710 0 0	34,850	13,240 0 0	7,837 3 5	499 14 11	16 years.
Bury Corporation Gas Act 1890.	25,000 0 0	10,000	15,000 0 0	—	673 10 0	10,000	14,326 10 0	686 11 7	145 18 4	44 years.
Provisional Order 1893	15,000 0 0	—	15,000 0 0	—	1,208 0 0	—	13,792 0 0	—	288 5 5	27 years.
Bury Corporation Act 1894.	50,000 0 0	—	39,944 10 2	—	1,402 0 0	—	38,542 10 2	—	898 17 4	27 years.
£	242,044 10 11	53,050	178,939 1 1	8,200	62,914 10 3	44,850	116,024 10 10	8,523 15 0	5,359 1 9	

SECOND SCHEDULE.

PART I.

Date.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Term.	Amount of Rent.
				Years.	£ s. d.
1st December 1865.	Building land to be used for art gallery purposes.	The Right Hon. the Earl of Derby and his trustees.	The mayor aldermen and burgesses of the borough of Bury.	999	11 13 7
24th June 1862	Land and buildings used as public baths and dwelling-house.	The Right Hon. the Earl of Derby and his trustees.	The mayor aldermen and burgesses of the borough of Bury.	999	30 5 0
24th December 1852.	Land and buildings used as purifier house in connection with gasworks.	The Right Hon. the Earl of Derby and his trustees.	The mayor aldermen and burgesses of the borough of Bury.	999	9 0 0
24th December 1866.	Land and buildings used as fire station and dwelling-house.	The rector of Bury Rev. F. G. Blackburne.	The mayor aldermen and burgesses of the borough of Bury.	99	10 0 0
10th December 1800.	Land and buildings used as police station and dwelling-house.	The rector of Bury Rev. F. G. Blackburne.	The mayor aldermen and burgesses of the borough of Bury.	99	4 0 0
5th November 1839.	Land and buildings used as electricity works.	The rector of Bury Rev. F. G. Blackburne.	The mayor aldermen and burgesses of the borough of Bury.	99	45 0 0
24th June 1836. 14th April 1860.	Land and old buildings -	The Right Hon. the Earl of Derby and his trustees.	The mayor aldermen and burgesses of the borough of Bury.	999	59 16 6 31 5 0
25th December 1896.	Building land to be used for waterworks purposes.	The Rev. Heber Marks vicar of St. Thomas Radcliffe.	The mayor aldermen and burgesses of the borough of Bury.	999	11 5 8

PART II.

Date.	Description of Property.	Owner or reputed Owner.	Rentcharge.
			£ s. d.
Conveyance 10th June 1872.	Rentcharge in respect of land and buildings used as towns yard.	The rector of Bury Rev. F. G. Blackburne.	330 0 0

THIRD SCHEDULE.

(FORM OF MORTGAGE.)

County Borough of Bury—the Bury Corporation Act 1899.

By virtue of the Bury Corporation Act 1899 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Bury (herein-after referred to as "the Corporation") in consideration of the sum of pounds paid to the treasurer of the borough by (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum of pounds doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid to (him) (*or* them) with interest for the same (subject as herein-after provided) after the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [on the day of and the day of in each year]:

And it is hereby agreed that the said principal sum of pounds shall be repaid at the Municipal Offices in the said borough [(subject as herein-after provided) on the day of one thousand nine hundred and] [by]:

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

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

Passed under the common seal of the Corporation in the presence of

Town Clerk.

This mortgage is duly registered in the Register of Mortgages kept by me pursuant to the provisions in that behalf.

Dated this day of one thousand nine hundred and

Town Clerk.

A.D. 1899.

The Endorsement within referred to.

This mortgage is renewed until the day of at per centum per annum interest and thence at six months notice from either party.

Dated this day of one thousand nine hundred and

Town Clerk.

Witness—

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
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