CHAPTER ccxlv.

An Act to enable the Corporation of Derby to acquire Little Chester Green to make a new recreation ground to vest the Arboretum in the Corporation and to maintain and regulate the same and Bass' Recreation Ground and baths to make new streets to make further provision respecting the borrowing of money by the Corporation and for other purposes. [18th August 1882.] A.D. 1882.

WHEREAS the borough of Derby in the county of Derby is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation"):

And whereas the Corporation are the owners of certain lands in the township of Little Chester within the borough adjoining or adjacent to which are certain common or waste lands known as Little Chester Green and it would be of advantage to the inhabitants of the borough if a recreation ground were made partly upon the lands of the Corporation and partly upon the common or waste lands and the Corporation are willing to appropriate to such purpose part of the lands belonging to them and to purchase the said waste lands and to appropriate part thereof to the purposes of and to form and maintain such recreation ground as aforesaid which recreation ground is herein-after in this Act referred to as the Little Chester Recreation Ground:

And whereas questions and litigation have arisen with regard to the rights in such waste lands and it is expedient in the interests of the inhabitants of the locality and with a view to the determination of such questions and the avoidance of litigation that provision should be made for ascertaining and declaring what (if any) commonable or other rights exist in and over such waste lands and by whom such rights respectively may be exercised and if any such rights should be found to exist then for ascertaining the value thereof and for their purchase by the Corporation:

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24 & 25 Vict. c. cvi.

And whereas in the year 1863 the Midland Railway Company under the powers of the Midland Railway (Additional Powers) Act 1861 required and took for the purposes of their undertaking a part of the said waste lands and paid as compensation for the extinction of the commonable and other rights in the lands so taken the sum of 1,340*l.* 12*s.* 6*d.* which sum was paid to and still remains in the hands of trustees for and on behalf of the persons entitled to such commonable and other rights:

And whereas it is expedient that the said sum of 1,340*l.* 12*s.* 6*d.* together with all accumulations and interest thereon be paid to the Corporation as in this Act provided towards the expense to be incurred by them in forming the said Little Chester Recreation Ground:

And whereas Joseph Strutt late of Derby deceased by deed of settlement dated the 12th day of September 1840 and duly enrolled in Her Majesty's High Court of Chancery appointed and conveyed certain lands buildings and hereditaments at Litchurch then in the county but now in the borough of Derby in the said deed more particularly described to be held by the several persons in that behalf named in and parties to the said deed upon trust to permit the said lands and hereditaments to be used and enjoyed as a pleasure ground and place of public resort to be called "the Arboretum" for the benefit of the inhabitants of the borough and the neighbourhood under the rules and regulations in the said deed contained and such other rules and regulations as should be duly made in that behalf by the committee of management in the said deed provided for:

And whereas the committee of management afterwards purchased certain lands adjoining the Arboretum for the purpose of enlarging the same and such lands were by an indenture dated the 5th day of February 1846 conveyed to the trustees of the said indenture dated the 12th day of September 1840 upon similar trusts to those contained in the first mentioned deed and the Arboretum now consists of the lands severally comprised in the two before mentioned deeds:

And whereas it is expedient that the Arboretum be transferred to and vested in the Corporation in manner and for the purposes in this Act provided and that the trusts of the two deeds dated respectively the 12th day of September 1840 and the 5th day of February 1846 be determined and that further provision be made for the maintenance and management of the Arboretum by the Corporation as in this Act contained:

And whereas Michael Thomas Bass by deed dated the 9th day of July 1866 and duly enrolled in Her Majesty's High Court of Chancery appointed and conveyed lands and hereditaments in the parish of All Saints in the borough of Derby in the said deed more

particularly described to be held by the mayor aldermen and burgesses of the said borough upon trust to permit the same to be thenceforth for ever used and enjoyed by the inhabitants of the borough subject as therein mentioned as and for a public play or recreation ground to be called "Bass' Recreation Ground":

And whereas it is expedient that further provision be made for the maintenance and management by the Corporation of Bass' Recreation Ground and for that purpose that the trusts of the said last-mentioned deed be determined and that the several provisions in that behalf in this Act contained be made instead thereof:

And whereas it is expedient to empower the Corporation to make and enforce byelaws with respect to the Little Chester Recreation Ground the Arboretum and Bass' Recreation Ground and baths respectively:

And whereas it is expedient that the Corporation be authorised to construct the new streets herein-after mentioned:

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

And whereas under the several public and local Acts and provisional orders now in force affecting the borough the Corporation are empowered from time to time to levy rates and to borrow moneys for the purposes of the said Acts respectively:

And whereas the Corporation now require or will shortly require to borrow further moneys for the purposes of the said Acts and orders or some of them and of this Act:

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

And whereas the Corporation are the owners of valuable lands waterworks and other property:

And whereas plans and sections of the several works by this Act authorised showing the lines and levels thereof and the lands which are required therefor and for the purposes of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Derby which plans sections and book of reference are in this Act referred to as "the deposited plans sections and book of reference" respectively:

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

And whereas estimates have been prepared for the purchase of the lands and the execution of the works by this Act authorised and for the other purposes of this Act or for which money is by this Act

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authorised to be borrowed and such estimates are as follows (that is to say):

With respect to new streets three thousand three hundred and seven pounds.

With respect to the new recreation ground six thousand two hundred and ninety pounds.

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

38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the twenty-sixth day of October one thousand eight hundred and eighty-one after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Derby Mercury" 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 expenses in relation to promoting the Bill for this Act should be charged on the borough fund borough rate general district rate or other public funds or rates under the control and management of such council of the said borough:

And whereas such resolution was published twice in the "Derbyshire Advertiser and North Staffordshire Journal" 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 eighteenth day of January one thousand eight hundred and eighty-two 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 Schedule III. of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 Derby Corporation Act 1882

Division of Act into parts.

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

Part I.—Preliminary.

Part II.—Little Chester Recreation Ground.

Part III.—Arboretum.
Part IV.—Bass' Recreation Ground.
Part V.—New streets.
Part VI.—Lands and works.
Part VII.—Byelaws.
Part VIII.—Corporation stock.
Part IX.—Borrowing.
Part X.—Miscellaneous.

Incorporation of Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 are incorporated with this Act and in construing those Acts for the purposes of this Act the expressions "the company" "the undertakers" and "the promoters of the undertaking" shall mean the Corporation.

Interpretation.

4. In this Act unless the context otherwise requires:

The borough means the borough of Derby.

The Corporation means the mayor aldermen and burgesses of the borough.

The council the town clerk and the borough fund and borough rate mean respectively the council the town clerk and the borough rate and borough fund of the borough.

Arboretum trustees means the several persons in whom immediately before the passing of this Act the lands buildings and other property forming the Derby Arboretum were vested.

District fund and general district rate mean respectively the district fund and general district rate of the district of the Corporation acting by the council as a sanitary authority.

Rate includes water rents and charges for supply of water or of meters.

The Bank of England means the Governor and Company of the Bank of England.

Statutory declaration means declaration under the Statutory Declarations Act 1835. 5 & 6 Will. 4. c. 62.

The Municipal Corporation Acts means the Act of the session of the 5th and 6th years of King William IV. chapter 76 "To "provide for the regulation of municipal corporations in "England and Wales" and all Acts amending the same or otherwise relating to municipal corporations in England.

The Public Health Acts means the Public Health Act 1875 and all Acts for the time being in force amending or extending the same.

Person includes a corporation.

Schedule means the schedule to this Act relating to Part VIII. of this Act.

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The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that in this Act or any Act wholly or partially incorporated with this Act the expression "superior court" or "court of competent jurisdiction" or any other like expression shall 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.

Act to be executed by council.

5. This Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts and the Public Health Acts and other laws for the time being affecting the Corporation and with all the rights powers privileges and authorities conferred by those Acts and laws on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporations Acts and the Public Health Acts respectively and as nearly as may be in all respects as if the powers duties and property vested in or imposed on or enjoyed by the Corporation by or under this Act were vested in imposed on or enjoyed by them by or under the Municipal Corporations Acts and the Public Health Acts respectively.

Regulations as to committees of council.

6. Except as in this Act is otherwise expressly provided the council may appoint out of their own body any committee for the execution of any of the purposes of this Act and may delegate to each such committee such of the powers and duties of the Corporation under this Act or as a sanitary authority as the council think fit and the acts and proceedings of every such committee within the limits of their delegation shall be deemed the acts and proceedings of the council and the quorum of any committee in this section provided for shall be such as the council direct and the council may from time to time increase the number of any committee and remove any member thereof and make such regulations as they think fit for the guidance of a committee and the council may from time to time remove any member of a committee and appoint in the stead of them or any of them other members of the council and a committee may appoint any of its members to be a sub-committee to execute and discharge any of the powers and duties of the committee but the acts of a sub-committee shall unless the council on the appointment of the committee otherwise direct be submitted for approval to the committee by which such sub-committee was appointed. Provided that the powers of this

section shall not be exercised by any committee consisting of less than eight members of the council or by any sub-committee consisting of less than three such members. Provided also that a committee so appointed shall in no case be authorised to borrow any money nor make any rate.

Corrections of errors in deposited plans and book of reference.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown or purporting to be shown on the deposited plans or specified or purporting to be specified in the deposited book of reference the Corporation after given ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appear to such justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate (which shall be given in duplicate) state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and one part of such certificate with the other documents to which it relates shall be deposited with the clerk of the peace for the county of Derby and the other part thereof shall be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate as if there had not been any omission mis-statement or wrong description.

Copies of plans &c. to be evidence.

8. Copies of the deposited plans and book of reference and of any alteration or correction thereof or extract therefrom certified by the clerk of the peace of the county of Derby or by the town clerk which certificate such clerk of peace and the town clerk respectively shall give to all parties interested when required shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

Part II.

Little Chester Recreation Ground.

Power to purchase Little Chester Green.

9. Subject to the provisions of this Act the Corporation may purchase take hold and use the several common or open lands known as Little Chester Green in the parish of St. Alkmund in the county of Derby which are delineated upon the deposited plans and described in the deposited book of reference (containing in the whole seven acres and three roods or thereabouts) and any rights of pasture

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rights of common commonable or other rights whatsoever in over or affecting the said lands whether directly or indirectly and whether in right of the said lands themselves or of any adjoining or other lands of the same or different tenure shall equally with the lands so delineated on the deposited plans be deemed "lands" within the meaning and for the purposes of the Lands Clauses Consolidation Acts 1845 1860 and 1869 (and the said lands so delineated on the deposited plans and all the said rights are herein-after together described and referred to in this Act as "Little Chester Green").

Provisions as to rights over Little Chester Green.

10. (1.) The Local Government Board shall upon and within two months after the application of the Corporation for that purpose appoint a fit and proper person (in this Act called "the commissioner") to perform the several duties in this section mentioned.

(2.) It shall be the duty of the commissioner to require and ascertain with all reasonable despatch and in any event within six months from the date of his appointment the persons who are entitled to commonable or other rights within the meaning of sections 99 to 107 (inclusive) of the Lands Clauses Consolidation Act 1845 in over or affecting Little Chester Green and the nature and extent of such rights in each and every case and to report the same in manner herein-after mentioned.

Power of commissioner.

(3.) For the purposes of such inquiry the commissioner shall have and may exercise the following powers (that is to say):

He shall as to all proceedings under this section have full power jurisdiction and authority to require discovery from any party to summon any person before him to give evidence or to bring and produce and give inspection of documents to administer or direct the administration of oaths and to take or direct the taking of affidavits and declarations and generally he may exercise all such powers jurisdictions and authorities as might be exercised by any court of law or any division of Her Majesty's High Court of Justice if the matter coming before him had come before such court respectively.

A note under the hand of the commissioner shall for the purposes of this Act have the force and effect of a subpœna or process issued by any court of law or any division of the High Court of Justice and he shall also have in addition like powers to those conferred on commissioners or assistant commissioners by section seventeen of the Inclosure Act 1854 as far as may in the circumstances be applicable and with any necessary modifications thereof.

17 & 18 Vict. c. 97.

(4.) When and as soon as the commissioner shall have concluded the said inquiry and shall have reported under his hand to the

Corporation the names of the persons (if any) entitled to commonable or other rights as aforesaid and the nature and extent of such rights in each and every case such report shall as to the contents thereof be final and conclusive and shall be binding upon the Corporation and upon all other parties whether included in or excluded from such report.

(5.) The several persons (if any) mentioned in the report of the commissioner and no others shall be the persons entitled to commonable or other rights within the meaning of sections 99 to 107 (inclusive) or other sections of the Lands Clauses Consolidation Act 1845 and a committee appointed by them shall accordingly be effectual for all the purposes of that Act.

(6.) If upon being duly convened by the Corporation no effectual meeting of the persons (if any) named in the report of the commissioner takes place or after taking place such meeting fails to appoint a committee the amount of the compensation to be paid in respect of such commonable or other rights as aforesaid shall be determined and paid in manner provided by sections 106 and 107 of the Lands Clauses Consolidation Act 1845.

(7.) If the commissioner shall as the result of the said inquiry find that no person is entitled to commonable or other rights in over or affecting Little Chester Green he shall report such finding under his hand to the Corporation and such report and finding shall be final and conclusive and shall be as binding upon all persons and for all purposes and shall have the same force and effect as if rights had been ascertained to exist and had by virtue of this Act and the Lands Clauses Consolidation Act 1845 been taken purchased and extinguished.

(8.) All the costs charges and expenses of the commissioner and of attending or incident to the said inquiry by or before the commissioner also the remuneration of the commissioner (the amount to be fixed by the Local Government Board) shall be paid by the Corporation.

Fund for compensation moneys.

11. All compensation moneys payable by the Corporation for or in respect of the lands or rights acquired by them under the powers of this Act or any part or parts thereof shall be paid by and out of the general district rate.

Power to exclude minerals, &c. from purchase.

12. The Corporation instead of purchasing and holding Little Chester Green in its entirety may if they think fit exclude from such purchase the mines and minerals underlying the surface of Little Chester Green and any portion or portions of the said green which having regard to all the circumstances they may be of opinion cannot conveniently or advantageously be held and managed by the Corporation for the purposes and under the provisions of this Act

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Provided always that the Corporation shall be bound in any such event or arrangement to insure that the surface of the lands now forming Little Chester Green shall not be broken up by any person or persons mining or working or seeking for the mines and minerals underlying the same and shall also have regard to the provisions herein-after contained as to the preservation of the Little Chester Recreation Ground for the public use and recreation.

Agreements with lords of the manor.

13. The Corporation and the lords of the manor of Little Chester for the time being respectively are hereby authorised to enter into make and carry out all agreements and to do all other acts which shall be necessary or desirable for giving effect to the purposes of this Act with respect to the acquisition by the Corporation of Little Chester Green or any part or parts thereof and generally in relation thereto including the acquisition of the rights of the said lords.

Agreements with owners of common rights.

14. The Corporation and any person or persons (if any) who may be ascertained to have or possess and be capable of exercising any commonable or other rights in over or affecting Little Chester Green or any part or parts thereof may similarly enter into make and carry out all agreements and do all other acts (if any) which shall be necessary or desirable for giving complete effect to the purposes of this Act in relation to the acquisition by the Corporation of Little Chester Green or any part or parts thereof and generally in relation thereto including the acquisition by the Corporation of any rights of such persons.

Terms of agreement.

15. Every such agreement with the lords of the manor of Little Chester or as the case may be with the owners of any commonable or other rights (if any) may be in consideration of such sums in gross or of such yearly or other rents and upon such terms and conditions as may be agreed upon between the Corporation and such lords of the manor or between the Corporation and such owners respectively. And the expenses from time to time incurred by the Corporation in and with respect to the making and execution of any such agreement and in and with respect to the fulfilment of the same shall be charged upon and paid out of the general district rate. And the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 so far as the same are applicable to the purchase of lands by agreement shall apply to any agreement so made and entered into.

Corporation may appropriate Corporation lands for purposes of Little Ches-

16. Whereas it would be more beneficial and convenient to the inhabitants of the borough if instead of forming the Little Chester Recreation Ground solely of the lands forming Little Chester Green when acquired by the Corporation part thereof only were devoted to such purpose and certain adjoining lands belonging to the Corpora-

tion were added thereto by which means a recreation ground containing fourteen acres and upwards of contiguous lands could be formed and the Corporation are willing subject to the provisions of this Act to appropriate to such purpose so much of their said lands as may be necessary for that purpose they holding for their own purposes the remainder of the lands forming Little Chester Green to be acquired by them for those purposes. Therefore if and when the Corporation have acquired Little Chester Green or so much thereof as they may deem necessary for the purposes of this Act they shall appropriate for use as part of the Little Chester Recreation Ground to be formed and maintained as herein-after provided the lands belonging to them and adjoining to part of Little Chester Green shown upon the plan referred to in the next succeeding section.

ter Recreation Ground.

17. From and after the purchase by the Corporation of Little Chester Green the part thereof to be vested in and held by them and their successors under the provisions of this Act as a part of the Little Chester Recreation Ground for ever shall be the lands delineated on the plan (A) signed in duplicate by the Right Honourable Lyon Playfair the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and on the said plan coloured dark green and the lands belonging to the Corporation to be appropriated as part of the said Little Chester Recreation Ground for ever shall be the lands delineated on the said plan (A) and coloured light green and the lands so delineated on the said plans together are in this Act referred to as the Little Chester Recreation Ground and within two weeks after the passing of this Act one copy of the said plan shall be deposited in the Private Bill Office of the House of Commons and the other copy shall be deposited with the town clerk at his office.

Plan of land to be held as Little Chester Recreation Ground.

18. Copies of the said plan deposited with the said town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice or elsewhere as primâ facie evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation and all such persons shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Copies of plan to be evidence.

19. The Corporation shall form and maintain the Little Chester Recreation Ground consisting of the aforesaid lands and shall at all times keep the same unbuilt upon (except as herein otherwise provided) for the recreation and enjoyment of the inhabitants of the

Corporation to keep Little Chester Recreation Ground unbuilt upon.

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borough and the public subject to the provisions of this Act and shall not except as herein provided enclose or build upon the same.

Not to alienate.

20. The Corporation shall not sell or demise or otherwise alienate any part of the Little Chester Recreation Ground or concur in any sale or demise or other alienation thereof.

Corporation may enclose and lay out said lands forming Little Chester Recreation Ground.

21. The Corporation from time to time may enclose lay out plant drain level and otherwise improve the lands so to be formed into the Little Chester Recreation Ground as aforesaid in such manner as they shall think best adapted for the recreation convenience and benefit of the inhabitants of the borough and the public and may execute build erect and maintain such works lodges houses refreshment and other rooms conveniences gymnasia buildings and erections as they shall think necessary or suitable for the proper forming maintaining, and improving the Little Chester Recreation Ground and the Corporation may from time to time appropriate such part or parts of the Little Chester Recreation Ground as they may think fit for the use of the inhabitants of the borough and for playing cricket football and other games and sports and they may also from time to time grant and revoke or cancel licences to or permit any volunteer regiment or corps to drill or practice in such parts of the said recreation ground and at such times and upon and subject to such terms conditions and regulations as the Corporation may think fit.

Providing for payment to the Corporation of 1,340*l.* 12*s.* 6*d.* and interest paid by Midland Railway Company.

22. Whereas the sum of 1,340*l.* 12*s.* 6*d.* being the amount paid in or about the year 1863 by the Midland Railway Company as compensation for the extinction of commonable and other rights in and over a part of Little Chester Green taken by the Midland Railway Company under the powers of the Midland Railway (Additional Powers) Act 1861 together with all accumulations thereof and interest thereon still remains in the hands of the trustees or persons to whom the same was paid as aforesaid and it is expedient that the same be paid to the Corporation. Therefore subject to the provisions of this Act the said sum of 1,340*l.* 12*s.* 6*d.* together with all accumulations thereof and interest thereon shall at any time after the passing of this Act on the application of the Corporation in writing under the hand of the town clerk be paid by the trustees or trustee or other persons or person who now hold or holds the said sum or in whose names or name the same is now standing on behalf of the parties entitled thereto and upon such payment being made to the Corporation they shall apply the amount so paid to and received by them in or towards the expense of acquiring the land for and forming the Little Chester Recreation Gound by this Act authorised.

Part III.

Arboretum.

Vesting of Arboretum in Corporation.

23. Subject to the provisions of this Act all the lands pavilions lodges and other buildings forming the Derby Arboretum and all property real and personal which immediately before the passing of this Act were vested in the Arboretum trustees or the committee of management or any person in trust for them or either of them or to which they were in anywise entitled and the benefit of all contracts and engagements entered into by or on behalf of the trustees or the committee of management and immediately before the passing of this Act in force shall be and the same are hereby vested in the Corporation to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the trustees or the committee of management or any trustee or other person on their or either of their behalf and may according and subject to the provisions of this Act be held and enjoyed maintained altered and dealt with by the Corporation as they think fit.

Corporation to hold and maintain Arboretum as public pleasure ground.

24. Subject to the provisions of this Act the Corporation shall at all times after the passing of this Act hold and maintain the Arboretum and permit the same to be used and enjoyed as a pleasure ground and place of public resort recreation and instruction for the inhabitants of the borough and the public as hitherto and the Corporation shall at all times preserve and keep the Arboretum in good order repair and condition and as occasion shall require replace the trees shrubs and plants therein and may from time to time lay out and plant and make such alterations therein and improvements and additions thereto as the progress of science and knowledge may render expedient or desirable in order to make the Arboretum suitable for and profitable to students in botany and the natural history of trees shrubs and plants and for properly maintaining the Arboretum for the purpose it has hitherto been maintained and used for and the Corporation may from time to time for or in connexion with all or any of such objects and purposes execute build erect and maintain such works lodges houses refreshment and other rooms conveniences buildings and erections as they may think necessary suitable or desirable.

Deeds of settlement and conveyance of Arboretum to be void without prejudice to remedies for antecedent breaches thereof.

25. Subject to the provisions of this Act the deed of settlement dated the twelfth day of September 1840 and the schedule of regulations annexed thereto and the deed of conveyance dated the fifth day of February 1846 shall as to any prospective operation thereof be wholly void and the Corporation shall be exempted from all provisions restrictions and requirements of any trust or restriction which applied to the trustees and the committee of management of

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the Arboretum as such but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said deed of settlement and schedule of regulations and the deed of conveyance or of either of them incurred before the passing of this Act but such liability or obligation in respect of any such breach shall continue and save as in this Act otherwise provided may be enforced by or on behalf of the Corporation as nearly as may be in like manner as the same might have been enforced by or on behalf of the trustees and committee of management if this Act had not been passed.

Nothing to affect previous rights and liabilities.

26. Except as is by this Act otherwise expressly provided everything before the passing of this Act done or suffered by or with reference to the trustees or the committee of management shall be as valid as if the said deed of settlement had not been avoided by this Act and such avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered and to all rights liabilities claims and demands both present and future which if the said deed of settlement were not avoided by this Act and this Act were not passed would be incident to or consequent on any and everything so done or suffered and with respect to all such rights liabilities claims and demands the Corporation and its property shall to all intents and purposes represent the trustees and the committee of management and the property of the trustees and the committee of management as the case may be and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this part of this Act.

Actions &c. not to abate

27. Nothing in this Act contained shall release discharge or suspend any action claim suit or other legal proceeding which was pending by or against the trustees or the committee of management in relation to the affairs of the Arboretum trust or to which the trustees or the committee of management or any member thereof in relation to such affairs were parties immediately before the passing of this Act but such action claim suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Corporation (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the trustees or the committee of management or any member thereof if this Act had not been passed the Corporation being in reference to the matters aforesaid in all respects substituted for the trustees and the committee of management respectively.

Trustees and committee

28. Every trustee or other person in whom or in whose name any lands works buildings easements rights property or effects belong-

ing to the trustees or the committee of management were vested immediately before the passing of this Act and who (being authorised so to do) entered into any bond covenant contract or engagement in respect of the same or otherwise on behalf of the trustees or the committee of management shall be indemnified out of the funds and property of the Corporation against all liability (including costs charges and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond covenant contract or engagement.

of management to be indemnified.

29. From and after the passing of this Act and except as is by this Act otherwise expressly provided the Corporation shall in all respects be subject to and shall discharge all obligations and liabilities other than the trusts of the said deed of settlement and the schedule and regulations annexed thereto and the deed of conveyance dated respectively the 12th day of September 1840 and the 5th day of February 1846 to which the trustees and the committee of management immediately before the passing of this Act were subject.

Corporation to satisfy liabilities of trustees &c.

30. The Arboretum shall be open for the use of the public free of charge for admission (except as herein-after provided) during the whole year on every day of the week (Sundays included but between the hours of ten in the forenoon and one in the afternoon on Sundays it shall be open only as a thoroughfare for foot passengers) except during necessary repairs or alterations and the hours of opening and closing the entrance gates shall be subject to such byelaws as the Corporation may from time to time make Provided always that the Corporation may from time to time let or use the Arboretum or any part thereof for fêtes galas or musical or other entertainments or amusements and may from time to time upon any public occasion or the giving of any entertainment therein or on fête or gala days close the entrance gates of the Arboretum and may demand and receive a sum in gross in respect of all persons or a fee from every person for admission to the Arboretum or part thereof on any such occasions or days as the Corporation think fit and may let the exclusive right of supplying refreshment in the Arboretum upon such terms and conditions as the Corporation think fit but the Corporation shall not let or use the Arboretum for all or any such purposes for a number of days exceeding in the whole fifteen in any year.

Use of the Arboretum &c.

31. For the purpose of enlarging and improving the Arboretum the Corporation may as and when they think fit appropriate either temporarily or permanently as an addition to and part of the Arboretum so much of any lands tenements and hereditaments belonging to them as they think fit and the several provisions of this Act with

Corporation may appropriate land belonging to them as addition to Arboretum.

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respect to the Arboretum shall apply to the lands so appropriated and added thereto as aforesaid.

Part IV.

Bass' Recreation Ground.

Bass' Recreation Ground to remain vested in Corporation.

32. Subject to the provisions of this Act all the lands tenements hereditaments buildings apparatus property real and personal with their rights members and appurtenances forming and known as Bass' Recreation Ground in the borough and which immediately before the passing of this Act were vested in the Corporation or to which they were in anywise entitled shall be and remain vested in the Corporation to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in them or any other person on their behalf and shall according and subject to the provisions of this Act be held and enjoyed maintained altered and dealt with by the Corporation as they think fit.

Corporation to maintain Bass' Recreation Ground.

33. Subject to the provisions of this Act the Corporation shall at all times after the passing of this Act hold and maintain the recreation ground and permit the same to be used and enjoyed as and for a public play or recreation ground for the inhabitants of the borough and the public as hitherto and the Corporation shall at all times preserve and keep the said recreation ground in good order repair and condition and as occasion shall require replace the apparatus seats conveniences and things in and about the same and they may from time to time make such alterations therein and improvements and additions thereto as they may deem expedient or desirable for the purposes it has hitherto been maintained and used for.

Deed of conveyance and trust dated 9th July 1866 to be void without prejudice to remedies for antecedent breaches thereof.

34. Subject to the provisions of this Act the deed of conveyance and trust dated the 9th day of July 1866 shall as to any prospective operation thereof be wholly void and the Corporation shall be exempted from all provisions restrictions and requirements of any trust or restriction which applied to the said recreation ground as such.

Use of Bass' Recreation Ground.

35. The recreation ground shall be open for the use of the public free of charge for admission (except as herein-after provided) during the whole year on every day of the week (Sundays included) except during necessary repairs or alterations and the hours of opening and closing the entrance gates shall be subject to such byelaws as the Corporation may from time to time make Provided always that the Corporation may from time to time let or use the recreation

ground or any part thereof for agricultural and horticultural shows fêtes galas or musical or other entertainments or amusements and may from time to time upon any public occasion or the giving of any entertainment therein or on fête gala or show days close the entrance gates of the recreation ground and may demand and receive a sum in gross in respect of all persons or a fee from every person for admission thereto or to part thereof on any such occasions or days as the Corporation think fit and may let the exclusive right of supplying refreshment in the recreation ground upon such terms and conditions as the Corporation think fit but the Corporation shall not let or use the recreation ground for all or any such purposes for a number of days exceeding in the whole fifteen in any year. A.D. 1882.

Part V.

New Streets.

36. Subject to the provisions of this Act the Corporation may make and maintain the new streets herein-after mentioned and shown on the deposited plans together with all necessary works and conveniences connected therewith or incident thereto in the lines and situations shown on the deposited plans and upon the levels shown on the deposited sections and for those purposes may enter upon purchase take and use such of the lands delineated on the deposited plans and described in the deposited book of reference and also for the purpose of securing sites for the erection of suitable houses and buildings in front of or adjoining to such new streets respectively (that is to say): **Power to make new streets.**

In the township of Little Chester in the parish of Saint Alkmund:

(*a.*) A new street commencing at the Mansfield Road at or near the southerly end of Little Chester Green nearly opposite Saint Paul's Church and terminating at or near the east side of premises known as the Union Foundry.

(*b.*) A new street commencing at or near the termination of the last-mentioned intended street opposite the Union Foundry thence passing in a northerly direction and terminating at or near the Great Northern Railway Bridge.

(*c.*) A new street commencing at the east side of the last-mentioned intended street near the Great Northern Railway Bridge thence passing in an easterly direction and terminating on the west side of the Mansfield Road near the Old Toll House.

37. In the construction of the works authorised by this part of this Act the Corporation may deviate vertically from the levels **Deviation.**

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shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards and they may deviate laterally within the limits of deviation shown on the deposited plans. Provided that the Corporation shall pay or tender compensation to the owner or other person immediately interested in any house or building for any loss or damage he may sustain by reason of the raising or lowering of the level of any street under the powers of this section.

Power to make subsidiary works.

38. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the new streets authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the new streets or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new streets or of any of them or of crossing under or over the same or otherwise and may alter divert stop up inclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer channel void ground or other property shown on the deposited plans the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer. Provided that the provisions of section three hundred and eight of the Public Health Act 1875 ("Compensation in case of damage by local authority") shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to sell materials.

39. The Corporation may sell the materials of the houses and buildings which may be purchased or taken by them under the powers of this Act.

Lands laid into new streets to be public highways.

40. The sites of all houses and all lands purchased or appropriated by the Corporation under the powers of this Act and laid into and used for streets shall when and so soon as the same are so laid into and appropriated or used for streets be and for ever hereafter form part of the public streets and shall be repaired and maintained and kept in repair in such and the same way and manner as the streets in the borough are for the time being by law maintained repaired and kept in order.

Power to set out carriageway and footway.

41. The Corporation may cause such parts of the streets to be made by them under the provisions of this Act to be laid out for a carriage way and footpath respectively as they think proper.

Elevation of buildings fronting

42. All buildings from time to time erected in any part of any street shown on the deposited plans as shall be made under the

powers of this Act shall be erected in such line to the street and in accordance with such elevation fronting to or towards the street as the Corporation appoint or approve. If the owner lessee or occupier of any building which in the making of any such new street acquires a frontage to the street make any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line towards the street to be determined by the Corporation.

streets to be as Corporation approve.

The Corporation shall pay or tender compensation to the owner or lessee of any building for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence. The provisions of this section shall not except as regards any building used or occupied exclusively as a dwelling-house apply to any building belonging to or occupied by a railway or canal company and used or intended to be used for the purposes of their business as a railway or canal company.

Part VI.

Lands and Works.

Corporation lands may be used for new streets.

43. The Corporation from time to time may appropriate and use for any of the purposes of Part V. of this Act any lands from time to time vested in them and being part of their corporate estate.

Compulsory purchase of lands.

44. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years after the passing of this Act.

Period for completion of works.

45. The several new streets and works and the Little Chester Recreation Ground by this Act respectively authorised shall be completed within ten years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for making and executing those streets Little Chester Recreation Ground and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed provided that the cesser of those powers shall not prevent the Corporation from executing from time to time thereafter any works in connexion with so much of those works respectively as is then completed.

Lands acquired by Corporation under Act to form part of corporate estates.

46. All lands from time to time acquired by the Corporation under this Act shall subject to the provisions thereof while vested in them form part of their corporate estate.

Purchase and extin-

47. The Corporation may by agreement purchase any easement which they may require for any of the purposes of this Act and for

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guishment of easements.

the purposes of every such purchase the term "lands" in the said Lands Clauses Consolidation Acts shall be deemed to include easements.

Power to take easements by agreement.

48. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power of exchange.

49. In all cases in which by any provision of this Act the Corporation are authorised to enter upon purchase or take or otherwise acquire any lands buildings or premises of any person or persons the Corporation may if deemed by them expedient or desirable acquire the same by way of exchange wholly or partially for any other lands buildings or premises or easements belonging to the Corporation and not required for the purposes of the Acts under the powers whereof the same were acquired and they may convey such last-mentioned lands buildings or premises and easements in exchange accordingly and the Corporation may do all other acts which may be consequent thereon or necessary or convenient in relation thereto.

Power to grant building leases of lands near streets &c.

50. In case any lands acquired by the Corporation for the purposes of this Act or under the powers thereof are not laid into and made part of the intended new streets or the Little Chester Recreation Ground by this Act respectively authorised and in the opinion of the Corporation it shall be desirable to sell or lease such lands the Corporation when and as they think fit may convey the same absolutely to any person willing to purchase the same or demise for any term of years such lands or any parts thereof to any persons agreeing to erect thereon or on any parts thereof erections and buildings of such rate or class and upon such plan and elevation and of such height and with such storeys and with such yards or gardens and other appurtenances as the Corporation think proper and the Corporation may (if they think fit) take any fine for any such conveyance or lease and may (if they think fit) reserve any rent in any such conveyance or lease and every such conveyance or lease shall contain a covenant for the payment of any rent thereby reserved and such other covenants on the part of the grantee or lessee as the Corporation think reasonable and may contain a clause in the nature of a condition of re-entry on nonpayment of any rent thereby re-

served or non-performance of the covenants on the part of the grantee or lessee therein contained. A.D. 1882.

Power to make agreements as to building leases &c.

51. The Corporation may if they think fit from time to time enter into any agreement for such a conveyance or lease on such terms and conditions as they think fit and on making a conveyance or lease in pursuance thereof may alter the amount of the rent agreed to be reserved and may apportion the same and make separate leases of any parts of the lands comprised in the agreement as they think fit and may alter or rescind such agreement and the Corporation may accept any re-conveyance or the surrender of any lease for the purpose of making separate conveyances or leases of the same lands in parcels at apportioned rents or another conveyance or lease of the same lands under different covenants or otherwise in all respects as they think fit.

Sale of land subject to building leases &c.

52. The Corporation as and when they think fit and either before or after any such conveyance or lease is granted may sell and dispose of any rent reserved or agreed to be reserved for any such lands and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning the lands) of such erections and buildings except such as have been otherwise disposed of under this Act either altogether or in parcels by public auction or private contract for such price as the Corporation think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the erections and buildings which are to be at all times erected thereon and to such stipulations as to the title to be produced to the hereditaments sold as the Corporation think fit and the Corporation shall at the request and expense of each purchaser on payment of his purchase money by deed convey and assure the lands purchased by him with the erections and buildings thereon and the appurtenances to the purchaser his heirs and assigns or as he directs free from incumbrances except the building conveyance lease or agreement of or concerning the same under this Act.

Power to sell without previous grant of building lease.

53. The Corporation if they think it expedient may from time to time sell and dispose of in manner herein-before directed any such lands as aforesaid without having previously made or agreed to make any conveyance or lease thereof and convey and assure the same to the purchaser thereof for such price and upon under and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon and the height size and elevations thereof and the time and manner of erecting the same and with respect to any other matters restrictions and things relating thereto as the Corporation think fit.

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Power to sell &c. lands not wanted.

54. Subject to the other provisions of this Act the Corporation may from time to time sell lease exchange or otherwise dispose of any building or lands or any parts thereof acquired by them under this Act and not wanted for the purposes thereof and make execute and do any deed act or thing proper for effecting any such sale lease exchange or other disposition.

Receipts of Corporation to be effectual discharges.

55. The receipt of the Corporation for any purchase moneys or other moneys payable to the Corporation by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Application of purchase money &c. of land.

56. Any purchase money received on any sale or disposition of land and premises acquired by the Corporation under the powers of this Act and any money received for equality of exchange and any fine received on any conveyance or lease by the Corporation under this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied exclusively for purposes for which capital is properly applicable either in the discharge of moneys borrowed under and for the purposes of this Act or otherwise as the Corporation may think fit and any money so discharged shall not be re-borrowed.

Compensation how to be determined.

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

Compensation may be in works or lands.

58. The Corporation whenever they are by any enactment required to make compensation to any person interested in any lands or buildings may by agreement with such person make such compensation wholly or partly in works or land.

Part VII.

Byelaws.

Byelaws as to Arboretum Bass' Recreation Ground and Little Chester Recreation Ground.

59. The Corporation from time to time may make and when made alter add to repeal and enforce byelaws for all or any of the following purposes (that is to say):

With respect to the Arboretum Bass' Recreation Ground and baths and the Little Chester Recreation Ground:

(*a.*) For the preservation of order and good conduct therein respectively and for excluding and removing therefrom

respectively hawkers beggars prostitutes rogues and vagabonds and any person infringing any byelaw or regulation relating thereto respectively.

(*b.*) For fixing the hours of opening and closing the same respectively.

(*c.*) For fixing and regulating the days or parts of days not exceeding fifteen in any one year in and during which the Corporation may demand and receive payment for admission to the same respectively or any part or parts thereof on any occasion provided for by the sections of this Act the side notes whereof respectively are "Use of "the Arboretum &c." and "Use of Bass' Recreation "Ground" and the times and prices of admission on any such days or occasions.

(*d.*) For regulating the days on and hours during which and parts of the same respectively in which music may be permitted.

(*e.*) For permitting and regulating (subject to the Licensing Acts 1872–1874) the sale of refreshments therein respectively. 35 & 36 Vict. c. 94. 37 & 38 Vict. c. 49.

(*f.*) For regulating or preventing the admission of dogs thereto respectively.

(*g.*) For preventing or restraining acts or things tending to the injury or disfigurement of the same respectively or anything in or on the same or the plucking cutting breaking or taking away of any tree shrub plant flower notice board or any other thing therein or thereon respectively or the interference with the use thereof by the public and visitors for purposes of recreation instruction exercise or amusement or other lawful purpose.

(*h.*) For preventing the placing or posting of bills or placards and the writing stamping cutting printing drawing or marking in any manner of any word or character or of any representation of any device object or thing on or in any erection wall room inclosure railing fence tree lamp post path pavement or seat or elsewhere in or about the same respectively.

(*i.*) For prohibiting the holding of public meetings in the same respectively.

(*k.*) For preventing profane indecent and offensive language and behaviour therein respectively.

And with respect to Bass' Recreation Ground and baths only:

(*l.*) For securing that the baths and bathing places be under the control of the officers and servants of the Corporation and for determining their duties.

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(*m.*) For securing adequate privacy to persons using the baths and bathing places and providing security against accidents to persons using the bathing places.

(*n.*) For securing that men and boys above eight years old bathe separately from women and girls and children eight years old or under and the due observance of decency by all persons using the bathing places.

(*o.*) For determining the charges for the use of the baths and bathing places.

And with respect to the Little Chester Recreation Ground only (in the following sub-sections called "the recreation ground"):

(*p.*) For prescribing the times places and conditions at and under which (regard being had to the preservation of the recreation ground and the vegetation thereon) persons resorting to the open spaces for recreation exercise and amusement shall from time to time be allowed to carry on particular sports and games and for regulating or preventing assemblages of persons on the said lands for purposes other than recreation exercise or amusement or which tend to interfere with the objects aforesaid.

(*q.*) For regulating the use of and the letting and hiring of horses asses and other animals and of carriages and other vehicles upon the recreation ground.

(*r.*) For regulating the use of any places set apart for cricket grounds football gymnastics or other games or sports and the drill of any volunteer regiment or corps.

(*s.*) Generally for preventing or restraining any improper use of the recreation ground or anything tending to the injury or disfigurement thereof.

And the Corporation may impose for breaches of the said byelaws a penalty not exceeding for any offence five pounds and not exceeding for a continuing offence a daily penalty of forty shillings so as every byelaw imposing a penalty be framed in such a manner as to allow the infliction of less than the maximum penalty.

Byelaws to be put up.

60. A printed copy or a sufficient abstract of the byelaws relating to the Arboretum Bass' Recreation Ground and baths and the Little Chester Recreation Ground shall be put up at every entrance thereto respectively and at such other convenient places at or near to the same as the Corporation think fit.

Byelaws to be made according to provisions of Public Health Act.

61. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions contained in the Public Health Act 1875 with respect to byelaws Provided that all byelaws may be partly in print and partly in writing (including lithógraph).

Power of officers.

62. Every officer appointed by the Corporation from time to time for securing the better execution of the said byelaws shall have all such powers and privileges and be liable to all such duties and responsibilities as any police constable has and is liable to within the borough. Provided always that no such officer shall act as a police constable unless he be in uniform or if in plain clothes be provided with his warrant.

Penalty for assaulting officers.

63. If any person shall assault or resist or aid or incite any person to assault or resist any constable or other officer of the Corporation or other person in the execution of his duty under this Act or the lawful exercise of any authority contained in this Act or in any byelaw of the Corporation made in pursuance of this Act he shall for every such offence be liable on conviction to a penalty not exceeding five pounds without prejudice to any other proceeding or remedy against him for the same act.

Arboretum &c. to be places of public resort.

64. For the purposes of enactments empowering the police the Arboretum Bass' Recreation Ground and baths and the Little Chester Recreation Ground shall be deemed places of public resort and the powers and duties of the police in relation to public safety and the preservation of order and protection of property shall extend to the Arboretum Bass' Recreation Ground and baths and the Little Chester Recreation Ground respectively.

Powers to constables and officers to detain offenders whose names are unknown.

65. Any constable or any officer of the Corporation and all persons called by such constable or officer to his assistance may without warrant seize and detain any person offending or having offended against this Act or against any byelaw of the Corporation made in pursuance of this Act and whose name or address is unknown or who refuses to give his name and address to such constable or officer on demand and may convey such offender with all convenient despatch before a justice to be dealt with according to law.

Proceedings for summary convictions.

66. Proceedings for the summary convictions of any persons offending against the provisions herein contained or any byelaw of the Corporation made as aforesaid or any order to be made by a justice under this Act or under any such byelaw or for the recovery of any penalty shall be taken according to the provisions of the Public Health Act 1875.

Expenses &c. to be paid to Corporation.

67. All expenses costs and other moneys recovered by the Corporation shall be paid to the Corporation notwithstanding anything in any statute contained to the contrary and shall be by the Corporation applied to the purposes of this Act.

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Part VIII.

Corporation Stock.

Preliminary.

Interpretation.

68. In this part of this Act—

(1.) 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 this Act or under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed is for purposes of this part of this Act a statutory borrowing power.

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

38 & 39 Vict. c. 83.

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

Creation and Charge of Stock.

Creation of corporation stock.

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

terms and conditions as that the same shall form one and the same class of stock.

(2.) All stock both redeemable and irredeemable at any time and from time to time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever.

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

(4.) Irredeemable stock shall not be redeemable except by agreement between the Corporation and the holder of stock.

(5.) Each resolution for creation of stock shall specify whether the stock thereby created is redeemable or irredeemable.

(6.) Stock so created shall be designated by the Corporation as Derby Corporation redeemable stock or as Derby Corporation irredeemable stock (as the case may require).

(7.) All stock for the time being so created whether redeemable or irredeemable is comprised in the term corporation stock when hereafter used in this part of this Act except where either redeemable stock or irredeemable stock is separately mentioned.

Borrowing power to be exerciseable for actual sum raiseable.

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

Charge of corporation stock.

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

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(2.) The dividends for the time being payable on all corporation stock shall (subject to all charges existing at the date of the first issue of any corporation stock) be the first charge on the revenues and rates aforesaid and on the revenues of the funds aforesaid all which revenues and rates are comprised in the term the corporation revenues when hereafter used in this part of this Act.

Loans Fund.

Establishment of consolidated loans fund.

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

Contributions to loans fund for dividends.

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

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

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

Contributions to loans fund for extinction of stock.

74. (1.) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all sums payable in that year for redemption and extinction or purchase and extinction of the several portions of corporation stock issued in

exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

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

(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the same amounts as would in the same respective cases have been payable towards a sinking fund or towards payment off as aforesaid those contributions to be subject to accumulation if and as in the same respective cases accumulation was prescribed.

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

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

Raising of contributions to loans fund.

75. (1.) The Corporation shall from time to time in order to raise the amount of the several contributions of the two kinds

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aforesaid out of the several corporation revenues do all such acts exercise all such powers collect all such money and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purposes of or in relation to the respective statutory borrowing powers in exercise whereof the several portions of corporation stock are issued.

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

(3.) The amount so advanced shall be a debt due from the corporation revenue on which the deficiency existed to the fund or rate out of which the advance is made and interest shall be payable thereon at the rate of 3*l.* 10*s.* per centum per annum until repayment and the same debt and interest shall as soon as in the judgment of the Corporation reasonably may be be raised and paid out of the corporation revenue on which the deficiency existed.

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

76. (1.) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation on the revenues whereof any corporation stock is charged.

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

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

Application of loans fund.

77. The Corporation shall from time to time apply the loans fund first in paying the dividends on all corporation stock and next in redeeming corporation redeemable stock according to the terms

of issue and in purchasing for extinction corporation redeemable or irredeemable stock.

Purchase of irredeemable stock.

78. (1.) The Corporation shall not be bound to purchase for extinction any corporation irredeemable stock unless they can do so at or below par that is to say at a price not higher than the nominal amount thereof.

(2.) If any portion of corporation irredeemable stock is not wholly extinguished within the period expressly or by implication limited for the continuance of any loan by or under the statutory borrowing power in exercise whereof that portion of stock is issued then after that period the dividends on that portion of stock while unextinguished shall be paid out of the interest and annual proceeds of such money and securities forming part of the loans fund as are properly applicable to the extinction of that portion of stock and except as far as at any time a deficiency of the loans fund in that behalf exists no further money shall be paid into the loans fund in respect of those dividends out of the corporation revenues liable to contribute to the loans fund in respect of those dividends.

(3.) But in that case the Corporation shall continue to pay into the loans fund the yearly sum theretofore required to be provided for extinction of that portion of stock until the securities forming part of the loans fund applicable to that extinction are of sufficient value to enable the Corporation to purchase therewith for extinction the unextinguished part of that portion of stock.

(4.) In case at any time after the expiration of the period limited as aforesaid the Local Government Board are of opinion that the Corporation can without material loss regard being had to the price of issue of the portion of corporation irredeemable stock which ought to be extinguished within that period and to the rate of dividend payable thereon purchase that portion of stock for extinction then the Local Government Board may if they think fit order the purchase for extinction of that portion of stock or of any part thereof.

(5.) In case at any time during any period limited for the continuance of any loan by or under the statutory borrowing power in exercise whereof any portion of corporation irredeemable stock is issued the Local Government Board are of opinion that regard being had to the market value of corporation irredeemable stock the provision made for the purchase and extinction of any portion of such stock within the prescribed period is insufficient the Local Government Board may from time to time by order direct that the contributions to be made to the loans fund for the purchase and extinction of that portion of stock in accordance with the provisions of this part of this Act shall be increased by such amount as shall be specified in

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the order so as to provide that the Corporation shall purchase and extinguish or shall be in a position to purchase and extinguish that portion of corporation stock within the period limited for the continuance of the corresponding loan.

Extinction of stock redeemed or purchased.

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

Account of loans fund.

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

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

(*b.*) Each statutory borrowing power so exercised.

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

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

(*d.*) The amounts of those several portions of corporation stock redeemed or purchased by means of the loans fund and cancelled and extinguished.

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

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

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

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

(*h.*) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the

last-mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and

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

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

Application of income in reduction of contributions.

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

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

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

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

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

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Determination as to charge of stock.

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

Existing Securities.

Payment off or substitution for existing securities.

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

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

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

(4.) Where the holder of the statutory security is one of the persons described in section seven of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby

indemnified for so doing and his receipt shall be a good discharge for the same. A.D. 1882.

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

Effect on Borrowing Powers.

Extinction or suspension of power.

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

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

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

Application of Money raised.

General application of money from corporation stock.

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

Temporary investment of money raised by stock.

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

(2.) The Corporation may if they think fit from time to time apply the interest and annual proceeds aforesaid or any part thereof

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in reduction of such contributions out of the corporation revenues as are payable into the loans fund in respect of dividends on the respective portions of corporation stock by the issue whereof that money is raised.

Registration and Certificates.

Appointment of registrar.

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

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

42 & 43 Vict. c. 11.

Corporation stock register.

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

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

Certificates of proprietorship of stock.

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

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

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

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

(5.) An entry of the issue of the stock certificate or the substituted certificate shall be made in the corporation stock register. A.D. 1882.

Transfer.

Power for stockholder to transfer.

90. Subject to the provisions of this part of this Act every corporation stock holder may transfer all or any part of his stock in books or by deed.

Transfer in books.

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

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

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

(4.) Where the Bank of England are the registrar they may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two or more credible witnesses.

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

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

Transfer by deed.

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

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

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

(4.) The deed of transfer when duly executed shall be delivered to and kept by the Corporation or the registrar and the Corporation or the registrar shall enter a memorial thereof in a book to be called

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the register of transfers of corporation stock and shall indorse on the deed of transfer a notice of that entry.

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

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

Evidence on transfer.

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

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

Closing of transfer books.

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

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

Stamp duty on transfers.

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

Transmission on death.

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

(2.) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Corporation or the registrar

for registration and may require all the executors who have proved the will to join in the transfer.

Transmission on marriage &c.

97. (1.) If the interest in any corporation stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require.

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

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

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

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

Dividends.

Payment of dividends.

98. The Corporation may pay by the registrar the dividends on corporation stock.

Dividends to executors &c.

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

Evidence of title.

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

Dividends to joint holders.

101. (1.) Where more persons than one are registered as joint holders of corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has

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been given to the Corporation or the registrar by any other of them.

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

Dividend warrants by post.

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

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

(3.) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Crossed Cheques Act 1876.

39 & 40 Vict. c. 81.

Stock Certificates with Coupons to Bearer.

Provisions respecting stock certificates with coupons to bearer.

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

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

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

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

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

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

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

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

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

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

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

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

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

(13.) When the Bank of England are the Registrar they may with the sanction of the Corporation from time to time issue any forms that may be required for carrying into effect the provisions of this part of this Act and may also from time to time make any regulations that are not inconsistent with this part of this Act relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed.

(*a.*) The period for which coupons are to be given.

(*b.*) The mode in which the bank is to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer.

(*c.*) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer.

(*d.*) With respect to anything necessary for carrying into effect the provisions of this part of this Act which relate to or affect the bank.

General.

Nature of corporation stock; notice of trusts.

104. (1.) Corporation stock is personal property.

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

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

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Receiver.

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

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

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

Holding of corporation stock by trustees.

106. (1.) Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in corporation stock (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid.

(2.) Provided that where two or more persons are successively interested in trust money no investment thereof shall be made in corporation redeemable stock at a price exceeding the redemption value of the stock.

Protection of holders of corporation stock.

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

Annual return to Local Government Board.

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

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

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

Unclaimed dividends.

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

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

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

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

prejudice nevertheless to the rights under this section of persons showing title to those dividends.

Saving for power to borrow otherwise than by corporation stock.

110. Nothing in this part of this Act shall affect any power of the Corporation to raise otherwise than by corporation stock any money which they do not think fit to raise by corporation stock but whenever from time to time after the date of the first issue of corporation stock the Corporation raise money otherwise than by corporation stock they shall cause to be given to each lender of money so raised notice in writing signed by the town clerk or other authorised officer of the Corporation of the priority of charge which corporation stock has or may have by virtue of this part of this Act.

Saving for power of revocation.

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

Saving for other obligations.

112. Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Corporation from any obligation imposed on them in relation to any statutory borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for power to sell lands &c.

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

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

Saving for existing securities.

114. Nothing in or done under this part of this Act shall affect any security or charge created or granted or payable by the Corporation before and subsisting at the date of the first issue of any corporation stock and the Corporation shall whenever required by the holder of any security or charge aforesaid apply all such money do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied

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done exercised collected made and levied for his benefit and security if this part of this Act had not been enacted.

Forgery.

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

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

33 & 34 Vict. c. 58.

Orders of Local Government Board.

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

Forms.

117. The forms given in the schedule may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

118. (1.) Fees not exceeding those specified in the schedule may be taken by or on behalf of the Corporation in the cases therein mentioned.

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

Expenses.

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

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

Part IX.

Borrowing.

Power to borrow.

120. The Corporation may from time to time (in addition to any moneys which they are for the time being authorised to borrow under any public general or local Act) borrow such sums of money as they require for the execution of all or any of the purposes of this Act for which capital is properly applicable other than the purposes of Part VIII. (corporation stock) the following sums that is to say :

For purposes relating to the new streets not exceeding three thousand three hundred and seven pounds.

For purposes of the Little Chester Recreation Ground not exceeding seven thousand pounds.

And also such further sums as may be necessary to defray the costs charges and expenses payable by the Corporation under the last section of this Act.

All such sums respectively shall be charged primarily on the district fund and general district rate and collaterally on the other corporation revenues mentioned in Part VIII. of this Act.

Mode of borrowing.

121. The Corporation may raise all moneys which they are by this part of this Act authorised to borrow or raise by debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875.

Payment off of borrowed money.

122. The Corporation shall pay off any money borrowed by them under this part of this Act by such one or more of the methods (including a sinking fund) prescribed by the Local Loans Act 1875 as the Corporation shall see fit and within sixty years after the same is borrowed.

Power to re-borrow.

123. The Corporation for the purpose of paying off any money borrowed or raised by them by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 may from time to time during the period prescribed by this Act for the repayment of the moneys so borrowed re-borrow such amounts as they may require by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or by any two or more

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of such methods. Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purposes of sections 14 and 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation with respect to the sinking fund to be set aside for repayment of such moneys and save as herein-after provided with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys shall not be in any way affected by reason of such re-borrowing. If the Corporation elect to pay off any moneys borrowed by them under this part of this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act 1875 and any moneys in respect of which the annual sum is appropriated are paid off by means of moneys re-borrowed at a different rate of interest than that payable on the moneys paid off by means of such re-borrowing the annual sum shall be reduced or as the case may be increased by the subtraction therefrom or addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Corporation in consequence.

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

124. The borough treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund and other methods of repayment under this part of this Act transmit to the Local Government Board a return in such form as may be prescribed by that board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking fund or paid by way of instalment during the year preceding the making of such return and the description of the securities upon which the same has been invested for the sinking fund and all interest thereon have been applied during the same period and the total amount 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 of not exceeding twenty pounds recoverable summarily by the Local Government Board and not otherwise. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this part of this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default

shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to annual repayments and appropriations.

Priority of existing mortgages and corporation stock.

125. All mortgages granted by the Corporation subsisting at the passing of this Act shall during their continuance and all corporation stock to be at any time hereafter created and issued by the Corporation shall while unextinguished have priority of charge on the securities therein respectively comprised over all debentures debenture stock and annuity certificates granted or issued under this part of this Act.

Application of money borrowed.

126. The money borrowed under this part of this Act shall be applied for the purposes for which it was borrowed and to which capital is properly applicable and for no other purposes.

Part X.

Miscellaneous.

Simplification of collection of rates.

127. From and after the passing of this Act the Corporation may if they think fit assess make levy collect and recover the several rates leviable by them either as separate rates or together and with their water rents and any special water rate and one demand note may comprise all such rates special water rate and water rents. And the Corporation may apportion the cost of the collection of the foregoing rates and rents between the borough fund district fund and water accounts accordingly as they think fit.

Purposes of Act to be deemed for the benefit of the whole borough.

128. The several objects and purposes of this Act shall be deemed to be for the benefit and advantage of the borough as a whole and not for any particular district or districts thereof and the expense of executing and carrying such objects and purposes into effect shall be borne by the borough and not by any district or districts thereof anything to the contrary contained in the Derby Corporation Act 1877 (sections 43 to 46 inclusive) notwithstanding.

40 & 41 Vict. c. cxviii.

Powers of Act cumulative.

129. All powers rights and remedies given to the Corporation by this Act shall except where otherwise expressly provided be deemed to be in addition to and not in derogation of any other powers conferred on them by Act of Parliament law or custom and the Corporation may exercise such other powers as if this Act had not passed.

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General saving for corporation.

130. Nothing in this Act shall take away abridge or prejudicially affect any right power authority estate or interest of the Corporation under the Municipal Corporation Acts or the Public Health Acts or otherwise and every such right power authority estate and interest may be had enjoyed and exercised by the Corporation as fully and effectually as if this Act had not been passed.

Expenses of executing Act.

131. All expenses incurred by the Corporation in carrying into execution the provisions of this Act and not otherwise provided for in this Act shall be paid out of the borough fund or borough rate and all moneys payable to or receivable by the Corporation under this Act or any byelaw thereunder shall be carried to the credit of the borough fund or borough rate and to the proper account therein.

Expenses of Act.

35 & 36 Vict. c. 91.

132. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and passing this Act including therein the costs and expenses incidental to the proceedings under the Municipal Corporations (Borough Funds) Act 1872 shall be paid by the Corporation out of the borough fund or district fund or any other funds under their control as they may think fit and ultimately out of any moneys borrowed under the powers of this Act.

The SCHEDULE referred to in the foregoing Act. A.D. 1882.

Forms.

(A.)

Resolutions for Creation of Stock.

Borough of Derby.

day of 188 .

At a meeting of the council of the borough of Derby holden on the day of 188 at o'clock in the forenoon in the council chamber within the Town Hall as a special council.

Present:

A.B. Mayor and a full council.

Resolved first—

That under the authority and subject to the provisions of the Derby Corporation Act 1882 the Corporation acting by the council do hereby in exercise of their several statutory powers create stock to be called Derby Corporation Irredeemable Stock 188 and to be issued to an amount which shall be sufficient for the following purposes but not exceeding pounds (£):—

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

(1.) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the Acts for the purchase money for and the cost of reconstruction of portions thereof

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

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

(4.) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the Acts for the purposes of sewering and paving within the borough.

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B. For raising instead of re-borrowing the sum of pounds required by the Corporation for the purpose of paying off when due sums amounting to pounds which will fall due before the 1st January 188 being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say) :—

and which sums the Corporation are under those Acts authorised to re-borrow.

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

and which sums the Corporation are under those Acts authorised to re-borrow.

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

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

Resolved secondly—

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

A. The minimum price of issue to be £ per cent. the first dividend to be payable on the 1st January 188 .

B. Tenders for stock to be made to the . A deposit of 5 per cent. on the amount of stock tendered for to be paid at the at the time of the delivery of the tender.

C. The dates for the further payments on account of the said tenders, when accepted, to be as follows :—On the day of 18 so much of the amount tendered and accepted as when added to the deposit will leave £ (sterling) to be paid for each £100 of stock. On , 25 per cent. On , 25 per cent. On 25 per cent. In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture.

D. Dividends at £ per cent. per annum, payable quarterly.

E. Dividends on the total amount of stock calulated from the of 188 to be payable on the 1st January 188 .

F. Scrip certificates to bearer with coupons attached for the dividends payable 1st January 188 and 1st April 188 to be issued in exchange for the provisional receipts.

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

H. Stock to be issued in sums of not less than £10.

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

Resolved thirdly—

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

Resolved fourthly—

That subject to the approval of the Commissioners of Her Majesty's Treasury an agreement be entered into with the Commissioners of Inland Revenue for the payment to the last-mentioned Commissioners of composition under the provisions of section 53 of the Inland Revenue Act 1880 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B.)

STOCK RECEIPT.

DERBY CORPORATION STOCK (£ PER CENT.)

RECEIVED this day of 188 of herein-after called the said transferee the sum of

being the consideration for

interest or share in the DERBY CORPORATION STOCK £ per cent. transferable at the BANK OF ENGLAND, and all my property and interest in, and right to, the same, and the dividends thereon, by this day transferred unto the said transferee

Witness hand

Witness_____

Transfer days:
Monday
Tuesday
Wednesday
Thursday
Friday
Holidays excepted.

☞ The Proprietors to protect themselves from FRAUD, are recommended to ACCEPT, by themselves or their Attorneys, all TRANSFERS made to them.

£ s. d.

[Indorsement.]

NOTICE TO HOLDERS OF DERBY CORPORATION STOCK (£ PER CENT.)

PAYMENT OF DIVIDENDS.

Dividends are due on the 1st January, 1st April, 1st July, and 1st October, unless the 1st of either of these months falls on a Sunday, in which case the dividends will be payable on the following day.

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Dividends will be paid in one of the following modes:

I. To the stockholders personally, or to their attorneys, at the Bank of England.

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

II. By transmission of dividend warrants by post, at the risk of the stockholder, under the following regulations:—

1. Any stockholder residing in the United Kingdom who desires to have his dividend warrant sent to his address by post, must fill up a form of application, to be obtained at the bank or any of its branches.
2. In the case of joint accounts, the application must be signed by all the members of the account, directing the warrant to be sent to one of them at a given address.
3. Post dividend warrants will be crossed "& Co." and will only be payable through a banker. They will be drawn to the order of the stockholder, and must be endorsed.

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

Stock Certificates.

Stock certificates to bearer, of the denominations of £10, and any multiple of £10, with coupons for the quarterly dividends attached, may be obtained in exchange for inscribed stock.

(C).

Corporation Stock Certificate.

Borough of Derby.

Number

This is to certify that A.B. of [ ] is the proprietor of [ ] pounds of Derby Corporation Redeemable [or Irredeemable] stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the mayor aldermen and burgesses of the borough of Derby this day of 18 .

(D).

Transfer in Books.

Derby Corporation Stock (per cent.).

	£	s.	d.
red by this day of in the year of our Lord one thousand eight hundred and do assign and transfer			
itness to Identity interest or share in the Derby Corporation Stock (per Cent.), transferable at the Bank of England, and all my property and interest in, and right to, the same, and the dividends thereon, unto			

executors, administrators, or assigns. Witness hand

—— Witness

do freely and voluntarily accept the above stock transferred to

Witness

(E).

Application for Issue of Power of Attorney.

Bank of England, the day of 188 .

From A. B. and C. D. [*the registered stockholders in the Bank Books*]

£ Derby Corporation Stock (per Cent.).

To G. H. [*the intended attorney*]

Examined by Dr. fol. Cr. fol. Transfer Book

Posted by Posted by

A.D. 1882.

(F.)

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

Corporate Account.

DERBY CORPORATION STOCK.

ACCEPTANCE, SALE OF £ _____ AND DIVIDENDS.

WE

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

FIRST—to ACCEPT all transfers made or to be made to us of any sum of

DERBY CORPORATION STOCK.

SECONDLY—to SELL and TRANSFER all, or any part of, the sum of

said stock standing in our name in the books of the Governor and Company of the Bank of England;

THIRDLY—to receive and give receipts for all dividends or payments due, or to become due, on any sum of the said stock from time to time standing in our name in the books of the Governor and Company of the Bank of England;

AND ALSO—to do whatever is necessary or proper to be done for the purposes aforesaid, any of them.

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

Sealed with the corporate seal and delivered in the presence of

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

For further instructions, see other side.

Indorsement.

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INSTRUCTIONS FOR EXECUTING THE WITHIN LETTER OF ATTORNEY.

Corporate Account.

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

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

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

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

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

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

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

I demand to act by this Letter of Attorney this day of 18 .
Witness

(G.)

DEED OF TRANSFER.

Borough of Derby.

I A.B. of in consideration of the sum of pounds paid to me by C.D. of (herein-after called the said transferee) do hereby transfer to the said transferee the sum of pounds Derby Corporation Redeemable [or Irredeemable] Stock 188 standing or part of the stock standing in my name in the books of the mayor aldermen and burgesses of the borough of Derby to hold unto the said transferee his

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executors administrators and assigns or successors and assigns subject to the several conditions on which I hold the same at the time of execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the day of

(H.)

Dividend Warrant.

Derby Corporation Stock
(£ . per Cent.)
To the Cashiers of the Bank of England.

Pay to bearer the sum of _____

---

for one quarter of a year's dividend on the sum of £ Derby Corporation Stock (£ . per Cent.) due 188 . Less property tax at *d.* per £

I do hereby acknowledge to have received of the Bank of England the above-mentioned sum in full payment for one quarter of a year's dividend due as abovesaid.

Witness Witness my hand this 188 .

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(I.)

DIVIDEND WARRANT BY POST.

(1.)

DERBY CORPORATION STOCK (£ . PER CENT.).

REQUEST FOR TRANSMISSION OF DIVIDEND WARRANTS BY POST.

TO THE GOVERNOR AND COMPANY OF THE BANK OF ENGLAND.

A sum of £ DERBY CORPORATION STOCK (£ . per Cent.) is now standing in name as follows :— Amount "my" or "our."

Names, addresses, and descriptions as recorded in the Bank books.

As the person entitled to the dividends upon the above-mentioned amount of stock hereby authorise the Accountant-General of the Bank of England for the time being in the name of to draw upon the Governor and Company of the Bank of England for the amount of the quarterly dividends due and to become due on the said amount of stock or on the amount for the time being standing in name : "I" or "we." "myself" or "our *nominee*." "my" or "our."

And hereby request the said Accountant-General to send through the post at risk and until further notice the warrants so drawn to "I" or "we." "my" or "our."

Name . . .

Present address

If the account is a sole one, insert here the name and address of the stockholder : if the account is a joint one insert here the name and address of one of the stockholders as *nominee*.

SIGN HERE.

In the case of joint stockholders or of co-executors all must sign.

Date 188

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[*On Second half-sheet of same Form.*]

This half-sheet is to be retained by the stockholder. Reference to it will often save unnecessary correspondence.

Notice to Holders of Derby Corporation Stock (£ . per Cent.).

Transmission of Dividend Warrants by Post.

Dividends upon the above-named stock may be transmitted through the post to the stockholder in sole accounts and to any one of the stockholders in joint accounts at their risk upon a form of request being duly filled up and forwarded to the Accountant-General Bank of England (forms are obtainable at the Bank of England and at any of its branches.)

N.B.—This arrangement does not apply to stockholders whose addresses are beyond the United Kingdom.

Persons receiving dividends under letter of attorney cannot have the warrants for such dividends sent to them by post.

A separate form must be used for each separate holding of stock.

When forwarding a form of request care should be taken to state the number of overdue dividends if any.

Dividends are payable on 1st January 1st April 1st July and 1st October.

When the 1st happens on a Sunday the dividends are not payable until the 2nd.

Forms of request may be delivered at the Bank at any date either by hand or through the post but when received between the day on which the balance for a dividend is struck and the day on which the dividend is payable the warrants for such next dividend will be forwarded as soon as possible but the Bank will not guarantee their being posted on the day before the dividend is payable.

For the dividend payable 1st January the balance is struck on or about the 1st December.

,,	1st April	,,	,,	,,	1st March.
,,	1st July	,,	,,	,,	1st June.
,,	1st October	,,	,,	,,	1st September.

Warrants for overdue dividends will be forwarded as promptly as possible, but not necessarily by return of post.

Any change of address of the stockholder in sole accounts, or of the nominee in joint accounts should be notified at once to the Accountant-General. When any such notification reaches the Bank less than a fortnight before the next dividend is due there may be a delay of a few days in the delivery of the warrant for such next dividend.

In the absence of any notification to the contrary it will be taken for granted that dividend warrants have duly reached their destinations. When they are not received on the correct day notice should be given to the Accountant-General without delay.

As postal dividend warrants are made payable to order they must be indorsed: they are crossed in blank and consequently are only payable on presentation by a banker. (The Bank will not undertake to cross postal dividend warrants with the names of particular bankers.)

Instructions to transmit warrants by post remain in force although the stock may have been added to or a part sold.

Stockholders selling stock by attorney if they wish to continue to receive their dividends through the post should instruct their bankers or brokers to obtain letters of attorney for sale only.

All communications with reference to postal dividend warrants should be addressed to the Accountant-General Bank of England and the postage should be prepaid.

(2.)

POST DIVIDEND WARRANT.

DERBY CORPORATION STOCK.
(£ . per Cent.).

To the GOVERNOR and COMPANY of the BANK OF ENGLAND LONDON.

Pay to me or my order the sum of

Being one quarter of a year's dividend at £3. 10*s.* per Cent. per Annum due on the 1st day of 188 on the sum of £ { Derby Corporation Stock (£ . per Cent.) }											
Less property tax at per £											

Accepted for the Governor and Company of the Bank of England

Per pro

Chief Cashier. *Accountant-General.*

The person to whom this warrant is payable must sign his or her name on the back of it.

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(K.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

DERBY CORPORATION STOCK CERTIFICATE.

DIVIDEND AT £ PER CENT. PER ANNUM.

£ **A00000**

THIS IS TO CERTIFY that the bearer of this certificate is entitled to POUNDS DERBY CORPORATION (REDEEMABLE) STOCK with dividend thereon at the rate of £ per Cent. per Annum transferable at the BANK OF ENGLAND pursuant to the Derby Corporation Act, 1882.

Dated , 188 .

For the Governor and Company
Of the Bank of England.

Countersigned,

Chief Accountant,

Bank of England.

A00000 £

The Coupons attached to this certificate are payable at the chief establishment of the Bank of England, or at any of the country branches.

When the coupons are exhausted this certificate will be exchanged on presentation at the Chief Cashier's Office, Bank of England, for a new certificate with fresh coupons attached.

[*Coupons.*]

5 Div. **DERBY CORPORATION STOCK.**

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months' Dividend at £ per Cent.
Per Annum.

A00000 Due 1st January, 1886
on Certificate for POUNDS DERBY CORPORATION STOCK.

£ *Payable at the Bank of England.*

5 Div.

DERBY CORPORATION STOCK.

Due 1st Jan. 1886.

A00000

£

4 Div. **DERBY CORPORATION STOCK.**

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months' Dividend at £ per Cent.
Per Annum.

A00000 Due 1st October, 1885
on Certificate for POUNDS DERBY CORPORATION STOCK.

£ *Payable at the Bank of England.*

4 Div.

DERBY CORPORATION STOCK.

Due 1st Oct. 1885.

A00000

£

3 Div. **DERBY CORPORATION STOCK.**

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months' Dividend at £ per Cent.
Per Annum.

A00000 Due 1st July, 1885
on Certificate for POUNDS DERBY CORPORATION STOCK.

£ *Payable at the Bank of England.*

3 Div.

DERBY CORPORATION STOCK.

Due 1st July, 1885.

A00000

£

2 Div. **DERBY CORPORATION STOCK.**

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months' Dividend at £ per Cent.
Per Annum.

A00000 Due 1st April, 1885
on Certificate for POUNDS DERBY CORPORATION STOCK.

£ *Payable at the Bank of England.*

2 Div.

DERBY CORPORATION STOCK.

Due 1st April, 1885.

A00000

£

(L.) A.D. 1882.

FEES.

	£	*s.*	*d.*
On original issue of stock receipt or stock certificate - - -	0	2	6
On any new stock certificate - - - - - -	0	2	6
On transfer including certificate - - - - -	0	5	0
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein - - - - -	0	0	6
On re-entry in corporation stock register of stock specified in stock certificate to bearer - - - - - -	0	5	0

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