CHAPTER ccxv.

An Act to extend the powers of the Corporation of the Borough of Derby, in the county of Derby, with respect to the Local Government and Improvement of the Borough; to enable the Corporation to acquire the Derby Waterworks Company's Undertaking; and for other purposes. [11th August 1879.]

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WHEREAS the borough of Derby, in the county of Derby, is a municipal borough subject to the Acts relating to municipal corporations, and under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as the Corporation):

And whereas the Corporation, by the council of the borough, are the sanitary authority for the district of the borough, with all the powers, authorities, and obligations of an urban sanitary authority:

And whereas an Act was passed in the sixth year of the reign of King George the IVth, intituled "An Act for better paving "and otherwise improving the borough of Derby," (herein-after called the Improvement Act,) by which Act the mayor and aldermen of the said borough for the time being and certain owners and occupiers therein mentioned were appointed commissioners for executing the powers of that Act: 6 Geo. 4. c. cxxxii.

And whereas some of the powers and provisions of the Improvement Act were repealed by a Provisional Order made by the General Board of Health, dated the twenty-third day of May 1850, and confirmed by the Public Health Supplemental Act, 1850, and others of the powers of the said Act have been superseded by the Public Health Act, 1875, and other Public General Acts, and such of the powers and provisions of the said Act as now remain in force are exercised by the Corporation as the urban sanitary authority of the borough, and it is expedient that the Improvement Act be amended and extended: 13 & 14 Vict. c. 32. 38 & 39 Vict. c. 55.

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40 & 41 Vict. c. cxviii.

And whereas by the Derby Corporation Act, 1877, the limits of the borough were extended, and several populous and increasing adjacent places were added to the borough, and are now comprised within the limits thereof:

And whereas it is expedient that the powers herein-after contained should be granted to the Corporation for the better governing and improving of the borough, and generally for the execution of the powers and discharge of the duties of the Corporation in their municipal and sanitary capacities:

11 & 12 Vict. c. xxxvi. 31 & 32 Vict. c. cxliii. 36 & 37 Vict. c. xx.

And whereas the Derby Waterworks Company are supplying with water the borough of Derby and places adjacent thereto under the following Acts; namely, the Derby Waterworks Act, 1848, the Derby Waterworks Act, 1868, the Derby Waterworks Act, 1873:

And whereas by the Derby Waterworks Act, 1848, it was (among other things) enacted (section 33) to the effect following; (that is to say,)

"And be it enacted, that it shall be lawful for any public body "of commissioners for the improvement of the said borough "(consistently with any powers they may have, hold, or enjoy) "and for the company hereby incorporated to treat and agree "for and to complete the lease, sale, purchase, and transfer of all "and singular the reservoirs and aqueducts, works, pipes, lands, "tenements, and hereditaments hereby authorised to be made, "constructed, or purchased by the said company, with the rights "and interests and the rates, rents, and remunerations belonging "to the said company in respect thereof, either for a term or "terms of years, or absolutely and in fee, upon such terms and "agreements, and subject to such conditions and limitations, and "for such considerations as the company hereby incorporated "and such public body of commissioners as aforesaid shall, by "agreement under their respective common seals or otherwise "legally executed, mutually agree and determine upon.":

And whereas it would be of great advantage to the borough and the neighbourhood thereof if the undertaking of the company were vested in the Corporation, in whom are now vested all the rights of the said Improvement Commissioners:

And whereas the Corporation have entered into an agreement with the company for the purchase of their undertaking for the consideration and upon the terms and conditions herein-after specified, and it is expedient that such agreement be carried into effect as in this Act provided:

And whereas it is expedient that the Corporation should be authorised to borrow money and apply the corporate funds belong-

ing to them or under their control, either as a municipal Corporation or as the sanitary authority of the borough, for the purposes of this Act:

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

And whereas an absolute majority of the whole number of the council, at a meeting held on the fourteenth day of October one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Derby Mercury, a local paper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district fund and general district rate:

And whereas such resolution was published twice in the Derbyshire Advertiser and Journal, a newspaper circulating in the borough, and has received the approval of the Local Government Board in respect of matters under the jurisdiction of the Board, and of one of Her Majesty's Secretaries of State in respect of other matters:

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

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

And whereas estimates have been prepared by the Corporation showing that, in addition to the money required for the purchase of the works and undertaking of the company, they may from time to time require to borrow sums of money to be applied to the purposes of waterworks, being permanent works within the meaning of section 234 of the Public Health Act, 1875, and such estimates amount to twenty thousand pounds:

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,)

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PART I.

Preliminary.

Short title.

1. This Act may be cited as the Derby Improvement Act, 1879.

6 Geo. 4. c. cxxxii. and this Act to be construed together.

2. The Improvement Act, as amended by the said Provisional Order confirmed as aforesaid, and the Derby Corporation Act, 1877 (as the same are respectively amended and extended by this Act), and the provisions of this Act, shall be read and have effect together as one Act: Provided that where the provisions of this Act relate to the same subject-matter as the provisions of the Improvement Act or the Derby Corporation Act, 1877, this Act shall prevail.

Incorporation of general Acts.

3. The following Acts, so far as they are applicable for the purposes of this Act and are not varied by or inconsistent with this Act, are hereby incorporated with and shall be part of this Act; (namely,)

10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

The Waterworks Clauses Acts, 1847 and 1863, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit.

Interpretation of terms.

4. In this Act—

"The borough" means the municipal borough of Derby.

"The council" means the council of the borough.

"The town clerk," "the treasurer," "the surveyor," "the medical officer," "the inspector of nuisances," respectively mean the town clerk, the treasurer, the surveyor, the medical officer, and the inspector of nuisances of the borough, and any persons or person for the time being duly authorised to act as such town clerk, treasurer, surveyor, medical officer, or inspector of nuisances respectively.

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate by this Act respectively authorised.

"Waterworks rate" means the waterworks rate by this Act authorised to be levied.

"The company" means the Derby Waterworks Company.

"Special Acts" mean with respect to the company the Derby Waterworks Act, 1848, the Derby Waterworks Act, 1868, and the Derby Waterworks Act, 1873.

The term "undertaking" shall mean and include the waterworks and all works connected therewith of the company, and all

real and personal property (except debts, water rents, and other revenue of the company, including arrears of water rents accrued or accruing due up to and unpaid on the day of transfer, and except minute books, letter books, registers of shareholders, registers of transfers, shareholders address books, dividend books, transfers, letters, and letter copy books, and other private and confidential papers of the company), and shall include all rights, powers, authorities, and privileges belonging to and conferred upon the company by the special Acts or enjoyed or exercised by them: Provided that the minute books and letter books, letters, and letter copy books of the company shall after the day of completion be deposited with and remain in the custody of John Walker, of Derby, accountant, and the Corporation shall at all reasonable times thereafter, in the presence of the said John Walker, or of some person appointed by him or by his legal personal representatives, be entitled to inspect and to take extracts from or copies of such parts thereof only as relate to or affect or concern any actions, suits, or other legal proceedings brought or continued by or against the Corporation, or any contract or obligation entered into by the company and affecting the Corporation.

"Water rent" includes every sum of money payable to the Corporation in respect of a supply of water for any purpose.

"Waterworks undertaking" means with respect to the Corporation the undertaking of the company when transferred to the Corporation, and all the rights, powers, authorities, and privileges of the Corporation with respect thereto under this Act, and shall include all works which the Corporation may from time to time execute, and all property which they may from time to time acquire under the special Acts and this Act.

"Water limits" means the limits defined by this Act for the supply of water by the Corporation.

"Water offices" mean the principal offices for the time being of the water undertaking situate within the borough.

"Water revenue" means all net moneys (other than borrowed moneys) received for or in relation to a supply of water or the hire or use of water meters, fittings, &c.

"Annuity" or "annuities" means any annuity or annuities created by the Corporation under the provisions of this Act.

"Annuitant" or "annuitants" means any person or persons, company or corporation, for the time being entitled to such annuity.

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"Sanitary purposes" means and includes the making and maintaining of streets and highways, private improvements, scavenging, sewerage, prevention of nuisances, the preservation of the health of the inhabitants, and the improvement of the borough.

"Sanitary expenses" means expenses incurred for sanitary purposes.

"Court of summary jurisdiction" means any justice or justices of the peace, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts, or any Acts therein referred to.

"Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate "the performance of the duties of justices of the peace out "of sessions within England and Wales with respect to "summary convictions and orders," and any Act amending the same.

"The Public Health Acts" means the Public Health Act, 1875, and any Act amending the same.

5 & 6 W. 4. c. 76.

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of King William the Fourth, "to provide for the regulation of municipal corpora-"tions in England and Wales," and Acts amending the same or otherwise relating to municipal corporations in England.

"Local Acts" means the Improvement Act, the Derby Corporation Act, 1877, and any Provisional Orders made by the Secretary of State or the Local Government Board, and respectively confirmed by Parliament and now in force within the borough and applicable to any of the provisions of this Act.

"Infectious disease" means small-pox, scarlatina, diphtheria, typhus fever, enteric or typhoid fever, relapsing fever, puerperal fever, and cholera.

"Owner" has the meaning defined in the Public Health Act, 1875, section 4.

"Street" has the meaning defined in the Public Health Act, 1875, and includes any part of a street.

"Cart" means any vehicle used for the conveyance of any goods, merchandise, parcels, or chattels.

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

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and (for the purposes of this Act) in enactments incorporated with this Act, the expressions "court of competent jurisdiction," "superior courts," or any other like expression, shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt, and not a debt or demand created by statute, and shall include any court of competent jurisdiction.

Act to be executed by Corporation acting by the council.

5. This Act shall be carried into execution by the Corporation acting by the council, according to the Municipal Corporations Acts, Public Health Acts, and Local Acts respectively for the time being affecting the Corporation as a municipal body and a sanitary authority respectively, and with all the rights, powers, privileges, and authorities conferred by those Acts respectively on the Corporation, and on the council and committees of the council, and officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts, Public Health Acts, and Local Acts respectively, and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers, duties, and property vested in, 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, Public Health and Local Acts respectively.

PART II.

Water.

Limits of Act.

6. The limits of this Act for the supply of water shall comprise and include the company's present limits.

Company to sell their undertaking to Corporation.

7. The company shall sell, and the Corporation shall purchase, on the first day of January one thousand eight hundred and eighty, (in this Act called the "day of transfer,") the undertaking of the company as the same shall stand on that day, subject to the existing debenture debt of the company, amounting to forty-three thousand three hundred pounds, and to any rentcharges or other rents payable in respect of easements or other rights possessed or enjoyed by the company for the consideration and on the terms and conditions in this Act stated.

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Consideration for purchase.

8. The consideration for the said sale and purchase shall be the taking over by the Corporation of the existing debenture debt of the company, amounting to the sum of forty-three thousand three hundred pounds, and in addition thereto the payment of the sum of three hundred and eight thousand pounds in manner following:

(1.) The sum of ten thousand pounds in cash to be paid by the Corporation to the company on the first day of October one thousand eight hundred and seventy-nine:

(2.) The further sum of two thousand pounds in cash to be paid by the Corporation to the company on the first day of January one thousand eight hundred and eighty:

(3.) The issue by the Corporation to the holders of shares or stock in the capital of the company as herein-after provided of the following annuities:

(*a.*) Annuities (in this Act called "(A) Annuities") for annual sums amounting in the aggregate to ten thousand seven hundred and twenty pounds (but subject nevertheless to that amount being reduced as herein-after provided), payable half-yearly on the first day of July and the first day of January in each year, the first of such payments to be made on the first day of July one thousand eight hundred and eighty;

(*b.*) Annuities (in this Act called "(B) Annuities") for annual sums amounting in the aggregate to one thousand one hundred and twenty pounds, payable half-yearly on the first day of July and the first day of January in each year, the first of such payments to be made on the first day of July one thousand eight hundred and eighty-five:

(4.) The interest on the existing debenture debt of the company shall be borne and paid by the company up to the day of transfer:

(5.) Within ten days after the first day of December one thousand eight hundred and seventy-nine, the company shall deliver to or leave at the office of the town clerk a list in writing, verified by the signature of the secretary of the company, stating the names, residences, and descriptions of the holders of shares or stock of the company to whom the said annuities respectively are to be issued, and the respective amounts of the annuities to be issued to each of such holders, and whether such annuities are to be (A) annuities or (B) annuities, and the Corporation shall not be in any way affected by or responsible for the

consequences of any error or omission in such list: Provided that the company shall be at liberty to reduce the total amount of the (A) annuities to be issued as aforesaid on giving to or leaving at the office of the town clerk, on or before the first day of November one thousand eight hundred and seventy-nine, notice in writing, signed by the secretary of the company, stating the aggregate amount such (A) annuities are to be reduced to, and in such case the Corporation shall on the day of transfer pay to the company a sum in gross equivalent to the capitalised value of the difference between such reduced amount and the said amount of ten thousand seven hundred and twenty pounds, and for the purpose of calculating the sum so to be paid the said (A) annuities shall be valued at twenty-five years purchase: Provided further, that the total sum in gross so to be paid under this section shall not exceed thirty thousand pounds:

(6.) None of the said annuities shall be redeemed before the first day of January one thousand eight hundred and ninety, unless by mutual agreement between the Corporation and the annuitant, but on and after the first day of January one thousand eight hundred and ninety the Corporation may at their option, on giving twelve months previous notice thereof to the respective annuitants, redeem the said annuities or any of them at twenty-five years purchase:

(7.) In case any part of the existing debenture debt of the company shall become payable before the day of transfer, the company shall use their best endeavours to renew the same at four pounds per centum per annum for such period as they may be able to agree upon, either with the then holders thereof or any other persons, but if the company shall be unable to arrange for the renewal of such debenture debt at that rate of interest, the Corporation shall pay off the same, or in the event of the Corporation failing so to do the company shall pay off the same, and the amount so paid shall be deemed to be a payment on capital account within the meaning of section 9, sub-section 4, of this Act, and the Corporation shall pay the company interest on all such payments after the rate of five pounds per centum per annum.

Transfer of undertaking.

9. With respect to the transfer of the undertaking the following provisions shall have effect; (that is to say,)

(1.) The sale and transfer of the said undertaking shall be carried into effect by a deed duly stamped and truly

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stating the consideration, which deed may be in the form set forth in the First Schedule to this Act, or to the like effect, with such variations and additions as circumstances require, and on payment and satisfaction of the purchase money or other consideration, and on the execution of that deed by the company, the undertaking, and all causes of action, suit, or proceeding belonging to them, (except causes of action, suits, or other proceedings for the recovery of money or other property, or the enforcement of rights which under the provisions of this Act are to remain the property of the company,) shall by virtue of that deed and of this Act become and shall thenceforth be transferred to and vested in the Corporation, and thenceforth the Corporation shall have and hold the undertaking, and may in the name of the Corporation, subject (except as between the Corporation and the company as in this Act prescribed) to all obligations, contracts, debts, and liabilities affecting the same, enforce such causes of action, suit, or proceeding aforesaid (which transfer and vesting is in this Act referred to as "the day of completion"): Provided always, that if the Corporation shall not within three months from the day of completion produce to the Commissioners of Inland Revenue such deed of conveyance duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the first day of January one thousand eight hundred and eighty to the day of payment, shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same:

(2.) On the day of transfer all liability of the company in respect of the debenture debt of the company shall cease and determine:

(3.) The company shall, at their expense and for their own benefit, carry on and manage and maintain the undertaking up to the day of transfer in the ordinary course of business, and shall continue to keep the works in good and proper order, repair, and condition, reasonable wear and tear excepted:

(4.) The company until the day of transfer shall be at liberty to expend such money on capital account as they shall reasonably deem necessary for efficiently carrying on the undertaking, and the Corporation shall, within one month after request in writing by or on behalf of the company,

to be delivered to or at the office of the town clerk, from time to time provide or repay to the company the amount so required or expended on capital account, or which shall have been expended thereon since the nineteenth day of February one thousand eight hundred and seventy-nine, and the company shall decide according to their usual custom whether the payments or expenditure so made by them have been made on capital or revenue account:

(5.) The company shall not, without the previous consent in writing of the Corporation under the hand of the town clerk, contract, make, or enter into any new liability, contract, agreement, or other obligation other than such as is compulsory by Act of Parliament, or as may be necessary to carry out any now existing liability, contract, agreement, or other obligation, or except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking:

(6.) If from any cause the purchase is not completed on the day of transfer the company shall carry on, manage, and maintain the undertaking until "the day of completion," and for this purpose the company shall enjoy and may exercise, subject as herein-after mentioned, all their powers, authorities, and privileges with respect to the undertaking as though this Act had not been passed: Provided that such carrying on, management, and maintenance shall be at the risk and for the benefit of the Corporation, and that the company shall upon the day of completion account to the Corporation for all receipts and expenditure, and shall pay to or receive from the Corporation any balance which may be found to be due on revenue account in respect thereof, and the provisions of the last three preceding sub-sections shall in all other respects apply to such carrying on, management, and maintenance as fully and effectually as if the words "day of completion" were contained therein instead of the words "day of transfer":

(7.) The company shall bear and pay all outgoings, debts, and liabilities (other than the debenture debt aforesaid, and the expenditure on capital account provided for by this Act, and the parliamentary and other expenses herein-after mentioned) which shall be or become due from or payable by them up to the day of transfer, and to facili-

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tate such payment the company shall cause advertisements to be inserted for three successive weeks during the month of January one thousand eight hundred and eighty in some two newspapers circulating in the borough and county of Derby, and in the Times London newspaper, requiring creditors to send in their claims against the company on or before the thirty-first day of January one thousand eight hundred and eighty, and before the end of the following month of February all debts, claims, and liabilities ascertained to be due from or owing by the company, and payable by them under this Act, shall be discharged, and on or before the first day of March one thousand eight hundred and eighty the secretary of the company shall make and deliver to or at the office of the town clerk a statutory declaration that all such debts, claims, and liabilities of the company, to the best of his knowledge and belief, have been duly paid and discharged. As a further security against any unascertained debts, claims, and liabilities, the company shall postpone the payment of any dividend subsequent to the dividend which in the ordinary course of business will be payable on the first day of September one thousand eight hundred and seventy-nine (in respect of the half year ending the thirtieth day of June one thousand eight hundred and seventy-nine) until the thirtieth day of June one thousand eight hundred and eighty, and should any such debts, claims, or liabilities be ascertained prior to the payment of such final dividend they shall be paid and discharged by the company out of the moneys which would otherwise be applicable to such dividend:

(8.) The moveable plant, stock, stores, goods, and chattels possessed by the company on the thirteenth day of March one thousand eight hundred and seventy-nine, as contained in an inventory dated the seventeenth day of May one thousand eight hundred and seventy-nine, signed by Edward Kynaston Burstal on behalf of the company, and by Clement Dunscombe on behalf of the Corporation, shall be delivered up to the Corporation on the day of completion. Any deficiency in the quantity thereof which shall not have been caused by ordinary wear and tear, or by user on capital account, shall be made good or be paid for by the company on the day of completion. The amount (if any) to be paid by the company in respect

thereof shall be assessed and determined, in case of difference between the company and the Corporation, by arbitration in manner herein-after provided:

(9.) The Corporation shall take the lands, easements, and other rights possessed or enjoyed by the company, including the messuage or tenement in the borough of Derby used as the offices of the company, (all of which lands and messuage, other than easements and other rights, are held in fee simple,) with the title on which the company purchased the same, and, as between the company and the Corporation, free from any incumbrances created by the company:

(10.) The company shall execute any deed or deeds, in addition to the deed of transfer mentioned in section 9, sub-section 1, which the Corporation may be advised are necessary or proper for more effectually transferring the said lands or other parts of the undertaking, such deeds to be prepared by and at the expense of the Corporation, who shall pay all expenses of the company in connexion therewith:

(11.) The company shall hand over to the Corporation only such maps, plans, and drawings as may be in the custody of the company on the day of transfer, but this provision shall be without prejudice to the rights of the Corporation against any person or persons having the custody or possession of any maps, plans, or drawings relating to the undertaking:

(12.) The Corporation shall, within one month of being required in writing so to do, pay to the company all expenses incurred by them in relation to the Bill for this Act, or otherwise in connexion with the sale and purchase of the undertaking:

(13.) If through any act or default of the Corporation the Corporation shall fail to make any payments to be made by them to the company under this Act on the several days on which the same are by this Act respectively required to be made, the Corporation shall pay to the company interest at the rate of five pounds per centum per annum on the amount of such payments from the respective times appointed for such payments to be made until payment thereof:

(14.) The present officers of the company, consisting of the resident engineer, secretary, accountant, inspectors, collectors, and chief turncock, if in the employ of the company on the thirty-first day of December one thousand eight

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hundred and seventy-nine, shall respectively be retained by the Corporation in their situations, and at not less than their present salaries, for one year from that day; but the Corporation shall have power to dismiss them, or any or either of them, at any time for neglect of duty or other misconduct, and so far as may be consistent with the performance of their regular duties such of the said officers as may be in the employment of the Corporation shall render all reasonable assistance to the company during the period and for the purposes mentioned in sub-section 15 of this section:

(15.) For a period of six months after the day of completion the company shall have full access, at the offices of the company at all reasonable times, to the books, documents, and accounts relative to the undertaking, for the purpose of making up the accounts of the company to the day of transfer, and for declaring and paying dividends, and also for the purpose of getting in and recovering the debts, rates, and arrears to which they will be entitled under this Act, and for all other purposes necessary for winding up the company; and the company may at any time exercise all such of their statutory rights as may be requisite for ascertaining and enforcing payment of all moneys that may on the day of transfer or subsequently be or become due to them in as full and complete a manner, by the same processes, and in the same name as if this Act had not passed; and for the above purposes the company shall, upon request, have the use of a convenient room in the offices of the company at all reasonable times:

(16.) Every question or difference that may arise between the Corporation and the company as to the construction or meaning of the provisions contained in this and the preceding section of this Act as to the performance and carrying out of the same by the Corporation or the company, or as to the reasonableness of any expenditure on capital account by the company as aforesaid, or as to any other matter arising out of or connected with the subject-matter of those sections respectively, shall be referred to the decision of three arbitrators, one of whom shall be nominated and appointed by the company, and one by the Corporation, and the third by the two arbitrators so appointed before entering on the business of the reference, and the decision of such three arbitrators,

or of any two of them, upon the question or dispute so referred shall be final and conclusive. All the provisions of the Common Law Procedure Act, 1854, with respect to arbitration and awards shall apply to any such arbitration. The arbitrators, or any two of them as aforesaid, shall have and may exercise upon any such arbitration all the powers as to examination of witnesses, and discovery and inspection of books and documents, proceeding ex parte, awarding as to the costs of the reference and award and otherwise, which are usually given to arbitrators appointed by order of a judge sitting at Nisi Prius.

17 & 18 Vict. c. 125.

Company to close register of shareholders, &c.

10. For the purpose of carrying out the provisions of section 8 of this Act, the directors for the time being of the company shall close the "register of shareholders" and the "register of transfers" of the company on the first day of October one thousand eight hundred and seventy-nine, and the several persons who appear on that date on the register of shareholders of the company to be the proprietors of shares or stock in the capital of the company shall be the holders of shares or stock of the company within the meaning of section 8 of this Act.

Notice to share or stock holders.

11. The directors of the company may, on or after the second day of October one thousand eight hundred and seventy-nine, serve a notice on the holders of shares or stock of the company, calling on them to signify to the company in writing, within fourteen days, whether they desire to receive cash in lieu of the (A) annuities which they shall be respectively entitled to have granted to them by the Corporation under the provisions of this Act in respect of the shares or stock of the company held by them respectively. Such notice may be in the form set forth in the Fifth Schedule to this Act, and may be served on the holders of shares or stock of the company personally or by the same being delivered at or sent by post to the respective addresses of the holders of shares or stock, as the same appear in the books of the company. In case the aggregate capitalised value of the annuities (calculated at the value of twenty-five years purchase) to which the holders of shares or stock of the company who have so signified their desire to receive cash in lieu of such annuities shall exceed the sum of thirty thousand pounds, then the directors of the company shall in their discretion determine which of such last-mentioned holders of shares or stock of the company shall receive cash in lieu of annuities and to what amount.

Application of the Company's Acts

12. Until the day of completion all the rights, powers, and authorities of the company under the special Acts relating to the

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to the Corporation.

company may, subject to the provisions of this Act, be exercised by the company, and from and after the day of completion all such rights, powers, and authorities shall be by virtue of this Act transferred to, vested in, and exerciseable by the Corporation, and those Acts shall be read and have effect as if the Corporation had been therein named instead of the company, subject nevertheless to all the provisions, conditions, and restrictions contained therein, and also subject and according to the following exceptions and provisions; (namely,)

8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118.

(1.) The provisions of the Companies Clauses Consolidation Act, 1845, and of the Companies Clauses Act, 1863, incorporated with the special Acts relating to the company shall not, except as herein-after provided, apply to the Corporation:

(2.) None of the provisions of those special Acts in any manner relating to the share or loan capital of the company, or to any limitation of the amount of profit to be received by the company or undertakers, or to the constitution, meetings, or directors of the company, shall, except as herein-after provided, apply to the Corporation.

Receipt for purchase money.

13. The receipt in writing of three of the directors of the company for so much of the purchase money as is to be paid to them by the Corporation in gross shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received, and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or non-application thereof.

Distribution of purchase consideration.

14. The consideration for the said sale and purchase, other than the debenture debt, shall be paid and distributed as follows: Such portion of the consideration as is distributable amongst the holders of shares or stock shall be distributed amongst those persons who on the 1st day of October 1879 shall stand in the books of the company as the holders of shares or stock therein:

(1.) The said sum of ten thousand pounds to be paid by the Corporation to the company under section 8, sub-section 1, of this Act, shall be applied by the company,—

1st. In payment and discharge of all debts due from the company:

2nd. After payment and discharge of all such debts, the surplus (if any) shall be distributed amongst the holders of shares in the company rateably in proportion to the relative amounts of their respective interests in the dividends of the company.

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(2.) The said sum of two thousand pounds to be paid by the Corporation to the company under section 8, sub-section 2, of this Act, shall be applied by the company in payment of such compensations and the meeting of and providing for such contingencies as the directors of the company shall in their discretion determine.

(3.) The (A) annuities shall be distributed as follows:

The holder of each original twenty-five pound share in the company shall be entitled to have granted to him on the day of transfer by the Corporation an (A) annuity of two pounds ten shillings a year:

The holder of each twelve pounds ten shillings share in the company authorised by the Act of 1868 shall be entitled to have granted to him on the day of transfer by the Corporation an (A) annuity of seventeen shillings and sixpence a year:

The holder of each twenty-five pound share in the company authorised by the Act of 1873 shall be entitled to have granted to him by the Corporation on the day of transfer an (A) annuity of one pound four shillings and sixpence a year:

The holder of each twelve pounds ten shillings share in the company authorised by the Act of 1873 shall be entitled to have granted to him on the day of transfer by the Corporation an (A) annuity of twelve shillings and threepence a year.

(4.) (B) annuities of the annual aggregate value of seven hundred and twenty pounds shall be distributed as follows:

The holder of each twenty-five pound share in the company authorised by the Act of 1873 shall be entitled to have granted to him on the day of transfer by the Corporation a (B) annuity of four shillings and sixpence a year:

The holder of each twelve pounds ten shillings share in the Company authorised by the Act of 1873 shall be entitled to have granted to him on the day of transfer by the Corporation a (B) annuity of two shillings and threepence a year.

(5.) (B) annuities of the aggregate annual value of four hundred pounds shall be distributed as follows:

The holder of each share in the company shall be entitled to have granted to him on the day of transfer by the Corporation a (B) annuity of an annual value

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to be stated in the certificate of allotment hereinafter mentioned. The aggregate annual value of such last-mentioned (B) annuities shall not exceed four hundred pounds:

The company shall allot the last-mentioned (B) annuities amongst the holders of the shares in the company in proportion to the respective amounts of the difference between the aggregate amount of the dividends which shall have been actually paid or earned in respect of each share up to and including the thirtieth day of June one thousand eight hundred and seventy-nine, and the aggregate amount of the maximum dividends which might lawfully have been paid to the holder of such share in case the same had been earned, and the company shall deliver to each shareholder a certificate signed by two of the directors for the time being of the company, and countersigned by the secretary thereof, stating the amount of the last-mentioned annuities allotted to each such shareholder:

In calculating such difference the maximum dividend which might lawfully have been paid on each original twenty-five pounds share shall be taken to be ten pounds per centum per annum on the amount from time to time payable on each share, and all sums which prior to the thirtieth day of June one thousand eight hundred and forty-eight were paid up by the persons who were the original holders of such shares in respect thereof to the company, or the promoters thereof, shall be deemed to have been payable on that date on account of such shares, and the maximum dividend which might lawfully have been paid on each twelve pounds ten shillings share authorised by the Act of one thousand eight hundred and sixty-eight, on each twenty-five pounds share and each twelve pounds ten shillings share respectively authorised by the Act of one thousand eight hundred and seventy-three, shall be taken to be seven pounds per centum per annum on the amount from time to time payable on each share:

The Corporation shall not be bound to inquire whether or be entitled to demand any proof from the company that the (B) annuities referred to in this sub-section have been allotted or distributed by the company in accordance with the provisions of this sub-section.

Debenture debt to continue first charge on undertaking.

15. The debenture debt of the company, amounting to forty-three thousand three hundred pounds, and the interest thereon accruing on and after the 1st day of January 1880, shall after the day of transfer continue to be a first charge on the water undertaking of the Corporation, and shall further be a charge on the district fund and general district rate of the borough as herein-after provided, in priority to all charges made thereon respectively subsequent to the passing of this Act. All other debts, liabilities, claims, and obligations which on the day of transfer are due or owing from or pending or existing against the company, and which under this Act are to be paid by the company, shall, as between the Corporation and the company, be paid, discharged, settled, or satisfied by the company, and the Corporation from time to time may deduct rateably from the amount of the (A) annuities payable by them the amount of such of the said debts as the Corporation shall be called on to pay and shall pay.

Pending actions and causes of action against company.

16. If on the day of transfer any action, suit, or proceeding, or any cause of action, suit, or proceeding, is pending or existing against the company, the same shall not abate or be discontinued, or be in any manner prejudicially affected by reason of the transfer, or of anything in this Act, but the same may be continued, prosecuted, and enforced against the Corporation as and when it might have been against the company if this Act had not passed, but not further or otherwise, but without prejudice nevertheless to any remedy over against the company under any security given by the company to the Corporation or otherwise.

Contracts of company to be binding on Corporation.

17. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made and subsisting on the day of transfer, and then in force, shall be as binding and of as full force and effect in every respect against or in favour of the Corporation, and may be enforced as fully and effectually, as if instead of the company the Corporation had been a party thereto.

Grant of annuities to shareholders.

18. Subject to the provisions of this Act, the Corporation shall grant to the persons respectively entitled to annuities under this Act annuities, subject to redemption as by this Act provided, of the amounts and descriptions fixed or prescribed by this Act.

Security for annuities.

19. The annuities shall be charged on and issue out of the water revenue of the Corporation, and on and out of the district fund and general district rate of the borough for the time being.

Warrants to be issued to annuitants.

20. The annuities shall be called Derby Corporation (A) Water Annuities and Derby Corporation (B) Water Annuities, and the Corporation shall deliver to each annuitant, or send by post in a

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prepaid letter addressed to the registered address of such annuitant, a warrant or order on the treasurer of the borough for every payment to such annuitant.

Annuities to represent shares in capital.

21. The annuities shall in all respects at law and in equity be substituted for and represent the shares and stock in the capital of the company, and the several persons in whom the annuities vest shall hold them on and subject to the same trusts, powers, and liabilities as those on and to which their shares and stock in the capital of the company were held, and so as to give effect to and not to defeat any testamentary or other disposition.

Corporation to issue certificates for annuities.

22. Subject to the provisions of this Act, the Corporation shall on or within a week after the day of transfer issue to every person in whom an annuity vests or to his representatives on demand, and on delivery of his or their share or stock certificate or proof of its loss or destruction, a certificate of the annuity free of expense to the annuitant, and the certificate may be in the form given in the Second or Third Schedule to this Act, as the case may require, or to the like effect, and by agreement one certificate may include any number of annuities.

Annuities may be divided.

23. Any annuity may at any time be divided, at the option of the annuitant, into two or more annuities of any amount not being less than one pound, and all annuities, whether the same have been subdivided or not, may be consolidated with other annuities, as the annuitant may direct.

Transfer, &c. of annuities.

24. The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the distribution of the capital of the company into shares, and with respect to the transfer or transmission of shares, are hereby incorporated with this Act so far as such provisions are applicable, and (except as expressly varied by this Act) apply to the Corporation and the annuities and annuitants, as if the Corporation were the company, and the town clerk were the secretary of the company, and the annuities were shares in the company's undertaking, and the annuitants were shareholders; but the form of transfer of an annuity may be according to the form given in the Fourth Schedule to this Act or to the like effect.

Recovery of arrears of annuities.

25. If within ten days after an instalment of an annuity becomes payable it is not paid, the annuitant may, subject to the provisions of this Act, recover it against the Corporation in any court of competent jurisdiction.

Receiver for annuitants.

26. The annuitants, without prejudice to other remedies, may enforce payment of arrears of their annuities by the appointment of a receiver, as if they were mortgagees of the Corporation and each annuity was interest on a mortgage of the Corporation, and

for that purpose the provisions in that behalf applicable of the Companies Clauses Consolidation Act, 1845, shall apply, mutatis mutandis, to the Corporation and the annuitants and to the receiver.

Winding up and dissolution of company.

27. When and so soon as the consideration for the transfer shall have been given and satisfied in manner herein-before directed, the directors of the company shall have and may exercise all powers necessary for winding up the affairs of the company, and when and as soon as their affairs have been wound up, and all their debts and liabilities paid and satisfied, the company shall by virtue of this Act be dissolved, but until the company shall be so wound up the company shall, subject to the provisions of this Act and for giving effect thereto, continue to exist in all respects as if this Act had not been passed.

Supply of water for domestic purposes.

28. The Corporation are hereby authorised to cause either main pipes or service pipes, as circumstances shall require, to be laid down, and water to be brought through every street within the water limits, and, save as herein-after mentioned, shall, at the request of the owner or occupier of any house in any street in which such pipes shall have been so laid down, furnish to such person within such house, by means of branch or communication pipes, and other necessary and proper apparatus to be provided, laid down, and maintained as herein-after mentioned, at the cost of such person, a sufficient supply of water for domestic purposes, and the owner of any house within the water limits shall, when thereunto required by the Corporation, provide a branch or communication pipe and other necessary and proper apparatus to convey the water into such house from any main or service pipe which now is or hereafter may be laid in any street in which such house may be situate, in such manner as to afford an actual supply of water within such house to the occupier thereof, and, except as herein-after provided, the occupier of such house shall be liable to pay and shall pay the water rates in respect of the same.

Supply of water for other than domestic purposes.

29. The Corporation may supply any person with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Corporation and the persons desirous of having such a supply of water; provided that a supply of water for domestic purposes shall not include a supply for any of the purposes mentioned in section twelve of the Waterworks Clauses Act, 1863. In the case of water supplied for the use of schools, boarding-houses, workhouses, hospitals, or other public institutions, or to innkeepers, alehouse keepers, vintners, or other persons, for other purposes

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than those of his or her family's consumption, the terms for the supply of water shall be settled by agreement between the Corporation and the persons desirous of having such supply, and in default of agreement such terms may be determined, at the option of either party, before a court of summary jurisdiction in the borough, and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part thereof shall be paid.

Incoming tenant not to be liable for arrears of water rate except by express agreement.

30. If any water consumer leave the premises to which water has been supplied without paying to the Corporation the water rate or charges due from him, the Corporation shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer, unless the incoming tenant shall have agreed with the Corporation or with the defaulting consumer to pay the arrears, but the Corporation shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required so to do.

Rate for water may be ascertained by meter.

31. The Corporation and any person desirous of having a supply of water may agree that the rate or remuneration for such supply shall be determined by the quantity of water consumed, to be ascertained by a meter to be provided or approved by the Corporation, and may agree on the amount of the rate or remuneration to be paid for such supply, provided that such rate or remuneration be charged to all persons equally under similar circumstances.

Charges for supply of water for other than domestic purposes.

32. The Corporation may supply water within the water limits for purposes other than domestic purposes by meter or otherwise, and on such terms, pecuniary and otherwise, and conditions as shall be agreed on between the Corporation and the person requiring the supply, and the moneys payable for the supply shall be water rates and recoverable accordingly: Provided always, that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes: Provided further, that the Corporation shall not be bound to supply water otherwise than by measure to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required.

Where several houses supplied by one pipe, each to pay.

33. Where several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of

the Corporation by a distinct pipe: Provided always, that the Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied with a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Proviso as to consent of owner of house.

34. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with "the consent in writing of the owner or reputed owner of any such "house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Rate payable by owner for small houses, &c.

35. Where a house supplied with water is let at a rent not exceeding ten pounds per annum to monthly or weekly tenants holding for any other period less than a quarter of a year, the owner instead of the occupier shall pay the rate for the supply, but the rate may be recovered in the first instance from the occupier, and may be deducted by him from rent from time to time due from him to the owner.

Corporation not bound to supply several houses by one pipe.

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

Power to sell or let meters.

37. The Corporation may from time to time sell and dispose of meters, or let meters on hire, upon and subject to such terms (pecuniary or otherwise) and conditions as the Corporation think fit, and any money due to the Corporation for the hire of meters shall be recoverable in the same manner as rents or sums due to the Corporation for water. No meter belonging to the Corporation shall be subject to distress for rent, nor to be taken in execution under any process of any court or under any proceeding in bankruptcy against the person in whose possession the same may be.

Notice to Corporation of putting up meters, &c.

38. Before any person connects or disconnects any meter through which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours notice in writing to the Corporation of his intention to do so, and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Repairs of meters.

39. Every consumer of water of the Corporation shall at all times at his own expense keep all meters belonging to him whereby any water of the Corporation is registered in proper order for correctly registering such water, in default whereof the Corporation

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may cease to supply water through such meters, and the Corporation shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, and such taking off, removal, testing, and inspecting and replacing shall be done at the expense of the Corporation if the meter should be found in proper order, but otherwise at the expense of the consumer.

Power to refuse supply for other than domestic purposes except by measure.

40. The Corporation may, if they think fit, in any case refuse to supply water for other than domestic purposes except by measure.

Supply of water in bulk.

41. Subject to the provisions of this Act, the Corporation may from time to time enter into and carry into effect such contracts and agreements with any corporation, urban or rural sanitary authority, or other local authority, and the trustees of any highway board, or any surveyors of any highway, and any railway company, and any other companies, bodies, or persons, with respect to the supply of water in bulk or otherwise as the Corporation think fit, and the parties thereto may by agreement vary, suspend, or rescind any such contracts or arrangements and make others in lieu thereof and in addition thereto, but the Corporation shall not under any such agreement supply water so as to interfere with the supply for domestic purposes within the limits of water supply of this Act.

For preventing fouling of water.

42. The Corporation shall not be compelled to supply with water any watercloset or any fixed bath, or the apparatus or pipes connected therewith respectively, unless the same be constructed and used so as to prevent the waste or undue consumption of the water of the Corporation, and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains or pipes of the Corporation.

Exceptions to high pressure.

43. The water of the Corporation need not be laid on or supplied within the limits of this Act at higher pressure than can be afforded from the pipes laid down by the company or by the Corporation when the water in such pipes is being derived from the service reservoirs of the Corporation.

Regulations for preventing waste, &c. of water.

44. For preventing waste, misuse, undue consumption, or contamination of the water of the Corporation, when such water is to be supplied under constant pressure, the following provisions shall have effect; (namely,)

(1.) The Corporation may from time to time make such regulations (subject to the approval of the Local Government Board) as they think necessary for the objects aforesaid to be observed by persons supplied with water by them:

(2.) The Corporation may thereby direct the use, and prescribe the size, nature, strength, and materials, and the mode of

arrangement, alteration, and repair of pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus or receptacles for conveying, delivering, receiving, and measuring water, and may interdict any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle in their judgment likely to occasion waste, misuse, undue consumption, erroneous measurement, or contamination of water:

(3.) The Corporation shall not be bound under any agreement or otherwise to supply or to continue to supply water to any person unless the regulations for the time being in force are duly observed by him:

(4.) In case of the failure of any person to observe any regulations for the time being in force, the Corporation may, if they think fit, after twenty-four hours notice in writing enter, and by or under the direction of their authorised officer repair, replace, or alter any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any person supplied by them, and the power of entry given by section fifteen of the Waterworks Clauses Act, 1863, and the provisions of that section relative thereto, shall extend and apply to entry for the purposes of such repair, replacement, or alteration, and the expense of every such repair, replacement, or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied, and may be recovered from him as water rent is recoverable:

(5.) A printed copy of regulations purporting to have been made as aforesaid by the Corporation, and to be certified by the town clerk as a true copy, and to be sealed by the seal of the Corporation, shall be primâ facie evidence of regulations under this section.

The provisions of the Public Health Acts relating to byelaws shall apply to any regulations which the Corporation are authorised to make under this section.

Notice of discontinuance.

45. A notice to the Corporation for the discontinuance of water shall not be of any effect unless it is in writing and left in the water office addressed to the town clerk.

Power to enter for the purpose of cutting off supply, &c.

46. When the Corporation is authorised to cut off or remove any pipe or work or turn off any supply of water, their officers and workmen, after giving twenty-four hours notice to the occupier, or if there is none, to the owner, may enter into the building or land supplied between the hours of nine in the forenoon and four in the

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afternoon, or with the authority in writing of a justice at any other time, and may therein do all acts necessary or proper for cutting off or removing or turning off such pipe or work or supply (as the case may be), and may remove and carry away any meter, pipe, instrument, or apparatus the property of the Corporation, making compensation to the owner for any damage sustained by him, and if any person obstruct or attempt to obstruct, or incite any person to obstruct, any officer or workman of the Corporation in the exercise of any power conferred by this section, he shall for every such offence be liable to a penalty of not exceeding five pounds.

Rates for private baths.

47. The Corporation shall not be compelled to supply any bath which shall be capable of containing when filled for use more than fifty gallons.

Provisions for sale of portions of undertaking to other sanitary authorities.

48. If at any time after the passing of this Act any sanitary authority whose district is beyond the borough, but within the water limits, shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the water undertaking of the Corporation as is contained within such district, and shall obtain the consent of the Local Government Board to such purchase, and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Corporation (except the lands, wells, streams, adits, waters, waterworks, mains, and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of supply of the Corporation), and to supply water within such district, then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof), and if such powers of purchase be granted, the Corporation shall sell and such sanitary authority shall purchase such portion of the undertaking of the Corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed, in default of agreement, by arbitration under the provisions of the Lands Clauses Acts, and the Corporation shall apply the proceeds of any sale under this section in the same manner as they are required to apply moneys borrowed under the powers of this Act for the purposes of the water undertaking: Provided always, that any arbitrator or umpire in determining the sum to be paid by such sanitary authority for such portions of the water undertaking shall, if the Corporation so desire, have regard to the price, terms, and conditions upon which the Corporation acquired the water undertaking under the provisions of this Act: Provided further, that no such sanitary authority shall be authorised until after the completion of such purchase to supply water to any part of such district, and that after the completion of such

purchase all obligations on the part of the Corporation to supply water within such district shall cease and determine. A.D. 1879.

PART III.

Streets, Buildings, and Sewers.

Limits of Part III. of Act.

49. The limits of this part of this Act shall be the limits of the borough.

Surveyor to specify depth, &c. of sewers.

50. The proposed direction, level, and width of any new street, and the mode of and the materials to be used in the construction thereof, having been approved by the Corporation, the surveyor shall specify the mode of construction, depth and inclination, form, size, materials, and other particulars of the sewers and their appurtenances, and the works for the drainage of such street and of the adjoining properties shall be carried into effect according to such specification.

Approval of mode of construction of sewers.

51. The depth, form, size, and inclination of the sewers and drains of every new street, and the materials to be used in the construction of such sewers and drains, shall be subject to the approval of the Corporation.

Crossings for horses or vehicles over footways.

52. Every person desirous of forming a communication for horses or vehicles across any footpath, so as to afford access to any premises from a street, shall first submit to the Corporation a plan of the proposed communication, showing where it will cut the footpath, and what provision (if any) is made for kerbing and for a paved crossing, and the dimensions and gradients of the necessary works, and such person after having obtained the sanction of the Corporation shall carry the works into effect at his own expense, under the supervision and to the satisfaction of the surveyor, and not otherwise; and if any person shall drive or permit or cause to be driven any horse or vehicle across any footpath unless and until the same has had such communication as aforesaid made and approved by the Corporation, he shall be liable to a penalty not exceeding forty shillings.

Coal shoots.

53. No coal shoot, area, or cellar grating shall be placed in any street unless the same be formed of the materials and size, and in the manner and in such position, and with such protection as may be approved of by the Corporation.

Levels of new dwelling houses and construction of cellars.

54. The level of the ground floor of every new dwelling-house shall be at least six inches above the level of the footway, street, or court adjoining such dwelling-house, at the point where the same

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adjoins such dwelling-house, whether there shall be a cellar to such dwelling-house or not, and the floor of every cellar in every such dwelling-house shall be laid with such material as may be approved of by the Corporation.

Power to prohibit cellars in districts liable to floods.

55. The Corporation may from time to time prohibit in any part of the borough liable to be flooded the construction of any cellar or basement storey in any dwelling-house, and may, under and according to the provisions of the Public Health Acts, from time to time make byelaws with respect to the foundations of houses constructed or to be constructed in such parts for securing the prevention of damp therein.

Buildings intended for the residence of two or more families.

56. New buildings designed for the residence of two or more families on separate floors or flats shall, as regards drainage, ventilation, and all other provisions herein contained, be subject to the approval of the Corporation. There shall be ample means provided for escape in case of fire, as the Corporation may approve. The ventilation space to be maintained at the rear of such buildings shall be such number of superficial feet as may be determined by byelaw, and shall be provided in the yards or courts adjoining the building for each tenement or separate dwelling-house that such building is designed to contain.

Space not to be built upon.

57. Whenever any open space has been left belonging to any new building, and whenever any open space has been left belonging to any building erected prior to the thirty-first day of October one thousand eight hundred and seventy-nine, such space shall in each case never afterwards be diminished to a clear superficial area less than that required by the byelaws for the time being in force within the borough in reference to buildings, without the approval of the Corporation.

Windows.

58. Every habitable room hereafter built of the area of two hundred and twenty-five superficial feet of floor space or less shall have at least one window, and the total area of window clear of the sash frame shall be at least one tenth of the area of the floor, and all rooms of greater extent than two hundred and twenty-five superficial feet of floor space shall have a window space clear of the sash frame of at least one twelfth of the area of the floor, and the height of one at least of the windows, measuring from the lower end of the window frame at the top, shall not be less than seven feet six inches above the floor, and if a sash window, the upper half shall be made to open the full width, and if a casement window, one half of such window shall be made to open.

Special ventilation of small rooms.

59. Every habitable room hereafter built of less area than one hundred superficial feet, and without a fireplace, shall be provided

with proper means of ventilation, either by air shaft or by such other means as the Corporation may determine. A.D. 1879.

Rooms over privies, &c.

60. No room built before or after the passing of this Act, any portion of which extends immediately over any privy (not being a watercloset), cesspool, midden, or ashpit, shall be occupied as a dwelling or sleeping room during any portion of the day or night, nor shall any such room be used either wholly or partly as a place of habitual or constant employment for or by any person in any manufacture, trade, or business; and if any person shall after the expiration of one month after the passing of this Act suffer to be occupied as a dwelling or sleeping room or place of habitual employment as aforesaid any such room, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such room continues to be so let or occupied after notice in writing from the Corporation to discontinue such letting or occupation.

Means of ingress and egress in public buildings.

61. Every building used or intended to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purposes whatsoever, shall be provided by the owner with ample and convenient means of ingress and egress respectively, to be approved by the Corporation.

Buildings to be used as hotels, &c. to have sufficient means of ingress and egress.

62. Every building which after the passing of this Act is intended to be used as an hotel, public-house, inn, beershop, coffee tavern, church, chapel, school, lecture hall or room, or any place of public amusement or entertainment, or for holding a large number of persons for any purpose, and which shall not have been used for those purposes at the time of the passing of this Act, shall be provided with ample and convenient means of ingress and egress, regard being had to the purposes for which such building is intended to be used, and the number of persons likely to be assembled at the same time therein; and it shall not be lawful for the proprietor or occupier or person in charge of such building to allow the same to be used for any such purpose as aforesaid, unless and until he has obtained a certificate under the hand of the town clerk or borough surveyor that the Corporation are satisfied with the sufficiency of the means of ingress and egress provided at such building, and any person who being the proprietor or occupier or person in charge of such building shall permit the same to be used for any such purpose as aforesaid without having previously obtained such certificate shall for every such offence be liable to a penalty not exceeding fifty pounds.

Height of buildings.

63. No new building shall, without the approval of the Corporation, be erected on the side of any street which shall exceed in

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height the distance from the front of such building to the opposite side of such street, nor shall the height of any building erected on the side of any street either before or after the passing of this Act be at any time subsequently increased without such approval as aforesaid, so as to exceed such distance. In determining the height of a building, the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof, as the case may be. In case of a gable facing the street, the measurement shall be to a point half way between the level of the eaves and the ridge. In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees, the measurement shall be to the ridge of the roof and not to the eaves.

Certificate of fitness of new houses for habitation.

64. No new building shall be occupied as a dwelling-house until the drainage thereof shall have been made and completed, nor until such building has, after examination, been certified in writing by the surveyor, inspector of nuisances, officer of health, or any person appointed by the Corporation in that behalf, to be fit for human habitation; but if the surveyor, inspector of nuisances, officer of health, or such person as aforesaid shall for seven days after notice to him neglect or fail to make such examination, such building may be so occupied.

Except as herein-before otherwise provided, any person who shall let any new house or part of any new house before the same is certified, or after a certificate under this enactment has been refused, shall be liable to a penalty for so doing, and also to a continuing penalty as herein-after provided.

Alteration of buildings.

65. In case any person shall make any addition to any building erected before or after the passing of this Act, such addition shall be deemed to be a new building.

Cesspools.

66. No cesspool shall be allowed except when in the opinion of the Corporation the same shall be unavoidable, and when any cesspool shall be allowed it shall be constructed in such situation and in such manner as the Corporation shall direct, and it shall in every case be made water-tight; it shall be arched or covered over, and a pipe or shaft for ventilation shall be carried up from it or from the drain communicating with it from the watercloset or privy.

All cesspools receiving the drainage of any premises must be emptied, deodorised, and filled up with approved material as soon as there shall be a sewer belonging to the Corporation within one hundred feet of any part of such premises fit to receive the drainage of such premises.

Situation of watercloset, &c.

67. The situation, dimension, materials, and construction of every watercloset, privy, ashpit, and cesspool shall be subject to the approval of the Corporation, and every watercloset or privy shall have an opening as near to the top as practicable communicating directly with the external air, or shall be otherwise furnished with sufficient means of ventilation, and every watercloset shall be provided with a water-waste preventing cistern of such size and description as shall be determined by byelaws, and every ashpit shall be covered over and due provision shall be made for the proper ventilation thereof.

Power to purchase buildings unfit for human habitation.

68. The Corporation, if they think fit, may purchase or otherwise acquire by agreement any building (including the site and appurtenances thereof) which, or a part of which, shall have been declared by them unfit for human habitation, or may give to the owner and lessee, or either of them, any sum or sums by way of compensation for such building or part of a building being so declared.

Fencing of land unbuilt on.

69. If the Corporation are of opinion that danger to the public is likely to ensue by reason of lands abutting on streets not being fenced, the owner of any such land shall, when required by the Corporation, and to their satisfaction, sufficiently fence off the land from the street, and shall afterwards keep such fence in good repair, to the satisfaction of the Corporation; and if he fail to fence or repair as aforesaid within fourteen days after notice for that purpose given to him by the Corporation, the Corporation may fence or repair, as the case may be, and charge him with the expenses of so doing, and recover the same as street expenses within the meaning of section 150 of the Public Health Act, 1875.

Recovery of damages caused to footways by excavations.

70. If the footway of any street belonging to or under the management of the Corporation be injured by or in consequence of any excavation on lands adjoining to such footway, the Corporation may repair or replace the footway injured, and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavation has been made, and may be recovered by the Corporation as street expenses are recoverable under section 150 of the Public Health Act, 1875.

Lines, &c. of hoards.

71. Where any person puts up in, on, or adjoining to any street or court any temporary hoard, fence, platform, handrail, scaffold, post, bar, rail, board, or other thing by way of enclosure, he shall put the same in such lines and of such height as the Corporation direct; and if any person fails to comply in any respect with the requirements of this section, he shall be liable to a penalty

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not exceeding five pounds, and to a further penalty not exceeding forty shillings for every twenty-four hours during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him by the Corporation.

Deposit of building materials, &c.

72. When any person lays any building materials, rubbish, or other thing in any street he shall deposit the same at such place or places only as the surveyor shall approve, and any person offending against this enactment shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which such offence shall continue after the service of notice from the Corporation on such person of a breach of this enactment.

For preventing projections over streets.

73. After the passing of this Act it shall not be lawful for any person, without the previous consent of the Corporation, to erect any crane or apparatus for hoisting or lowering goods, or place or make any other like projection or projecting signboard, at or from any building over any part of any carriageway or footway within the borough; and every person, after the passing of this Act, erecting any such crane or apparatus, or placing or making any such projection or projecting signboard, shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the offence is continued.

For preventing dangerous projections. 10 & 11 Vict. c. 34.

74. Sections 69 and 70 of the Towns Improvement Clauses Act, 1847, incorporated with the Public Health Act, 1875, shall, with respect to the borough, extend and apply to any crane or apparatus for hoisting or lowering goods, or any other like projections, from or at any building, and whether erected before or after the passing of this Act, which, in the opinion of the Corporation, is dangerous, or is an obstruction to the safe and convenient passage along any street within the borough.

Nature of plans, drawings, &c.

75. All plans and sections submitted to the Corporation for approval shall be in duplicate, and one copy shall be retained by the Corporation: the copy retained by the Corporation shall be drawn either in ink or colour on stout drawing paper, or be traced in ink or colour on tracing linen.

As to approval of plans, &c.

76. The approval of any plan shall, if the Corporation so determine, cease to operate in the following cases after the following dates from the time of such approval; (that is to say,)

In the case of a street, after two years;

In the case of a new building, after one year;

and at the expiration of those respective periods fresh notice and approval shall, unless the Corporation otherwise determine, be

requisite as to so much of the street or building as shall not be then completed.

The Corporation may attach to their approval of the plans and sections of any new building any conditions as to alterations in or additions to the sanitary arrangements of such building, or, in the case of dwelling-houses, any restrictions as to the number of separate dwellings for which the same may be used which they may deem proper, and the plans, with such alterations and additions, shall be deemed to be the plans approved by the Corporation.

Power to open ill-ventilated courts.

77. The Corporation for the purpose of opening a close or ill-ventilated court or other place may from time to time take by agreement any building, and remove the same and execute all consequent works, making compensation to owners and occupiers for any injury sustained by them by reason or in consequence of the execution of the powers of this section.

Inspection of works by surveyor.

78. The surveyor shall inspect any works or buildings in progress of construction at any seasonable time that he may think fit, or that he may be required to do so by the Corporation, but the person laying out the work, or the builder, shall give two days notice in writing to the surveyor before the commencement of such work, and before any foundations of new buildings or any sewers or drains are covered up, and the like notice shall be given after the works have been completed which may have been required by the surveyor to be done in amendment of any irregularity and before such works shall be covered up.

Notice by surveyor of irregularity.

79. If in doing any work or forming any street or erecting or altering any building anything is done contrary to the provisions herein-before contained, or anything required by these provisions is omitted to be done, or if the surveyor on surveying or inspecting any building or work find that the same is so far advanced that he cannot ascertain whether anything has been done contrary to such provisions, or whether anything required by such provisions be omitted to be done, the surveyor may within twenty-four hours after such survey or inspection give to the builder or person engaged in doing such work, forming such street, or erecting or altering such building, notice in writing requiring such builder or person within forty-eight hours from the date of such notice to cause anything done contrary to the provisions herein-before contained, or any of them, to be amended, or to do anything required to be done by any such provisions but which has been omitted to be done, or to cause so much of any work, street, or building as prevents the surveyor from ascertaining whether anything has been

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done or omitted to be done as aforesaid to be to a sufficient extent cut into, laid open, or pulled down:

Provided that if any such work shall be so cut into as aforesaid, and the same shall thereupon be found to be constructed in conformity with such provisions, the cost and expenses of so cutting into such work and of repairing the damage thereby incurred shall be paid by the Corporation, but if such work shall be found not so in conformity, all such costs and expenses shall be paid by the owner or builder, and may be sued for and recovered by the Corporation from such owner or builder, as they may elect, in like manner as penalties under this Act may be sued for and recovered.

Regulations as to vaults.

80. Every vault, arch, cellar, or other excavation under any footway or carriageway shall be made and constructed of such materials and in such manner as the Corporation shall consider necessary for the protection of the public, and so as not to interfere with the sewers, drains, gas or water supply of the borough. When and so often as any vault, arch, cellar, or other excavation now or hereafter constructed shall be ruinous, decayed, or dangerous, it shall be lawful for the Corporation to give notice to the owner thereof requiring him forthwith sufficiently to fence, stay, shore, or protect the same, and also within a time to be specified to reconstruct or sufficiently repair the same. If any vault, arch, cellar, or other excavation shall be made contrary to this enactment, or if any owner shall fail after notice as aforesaid to fence, stay, shore, protect, or repair any ruinous, decayed, or dangerous vault, arch, cellar, or excavation after notice as aforesaid, the owner of every such vault, arch, cellar, or excavation shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding five pounds for every day during which such misfeasance or non-feasance shall continue.

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

81. Whereas plans of buildings are frequently submitted to and approved by the Corporation as the urban sanitary authority of the borough wherein such buildings are described as lock-up shops, workshops, sheds, or places of business, and not as dwelling-houses, and after the buildings are erected the same are used for the purposes of habitation, and such user of the buildings is frequently not discovered for a considerable time, whereby the justices of the borough lose jurisdiction over such cases: Therefore the use of any building or part thereof for the purposes of habitation, where such building has been described in any such plan which has been or shall be submitted to and passed by the Corporation, or any committee thereof, as a lock-up shop, workshop, shed, or place of business, and not as a dwelling-house, shall be deemed and taken to be an offence against the building regulations of the borough.

Every person so using such building, or permitting the same to be so used, shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further like penalty for every day during which such offence shall continue after notice in writing thereof given to him by the Corporation :

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

It shall be lawful for the mayor for the time being of the borough, or his deputy, by warrant under his hand, to authorise the surveyor, inspector of nuisances, or any other officer of the Corporation at any time to enter upon and examine any such premises suspected of being misused as aforesaid. Every person who shall obstruct any such surveyor, inspector, or officer so authorised from making such inspection shall be liable to a penalty not exceeding forty shillings.

Summary power for providing sinks and drains for dwelling-houses.

82. In addition to all powers vested in the Corporation, the Corporation or any committee of the council may, if the borough surveyor for the time being shall report in writing to the Corporation or to any such committee that any dwelling-house is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house, by notice under the hand of the mayor or town clerk for the time being, require the owner of such dwelling-house, in the manner and within a reasonable time to be specified in such notice, to provide such sink, drain, or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed he shall be liable for every such offence to a penalty not exceeding five pounds, and a further penalty of the like sum for every day during which such offence shall continue.

Penalty.

83. Any person offending against any of the preceding provisions contained in this part of this Act with respect to streets, buildings, and sewers shall, except as otherwise provided, forfeit and pay for every such offence a penalty not exceeding five pounds, and in case of a continuing offence a further penalty not exceeding forty shillings for each day during which such offence shall continue.

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Penalty on workmen.

84. If any workman, labourer, servant, or other person employed in or about any new works wilfully, and without the privity or consent of the owner or person causing such work to be done, does anything in or about such works contrary to the provisions herein contained, he shall for each offence incur a penalty not exceeding twenty shillings.

Exemptions of railways and canals from certain provisions as to new buildings.

85. The provisions of this Act with respect to buildings and excavations for buildings, except so far as they respectively relate to the drains and other sanitary details of such buildings and the lines of such buildings where the same abut on any street, shall not extend or apply to any building (other than a dwelling-house) belonging to or used as or intended to be used by the proprietors of any railway for the purposes of their business.

Power for Corporation to apportion expenses among owners.

86. The Corporation may from time to time, in such manner as, having regard to the circumstances of the case, they think fit, apportion any expenses recoverable under section 150 of the Public Health Act, 1875, between the respective owners of the premises fronting or abutting on the street or part of a street with respect to which the expenses are payable.

Expenses payable by owners in respect of courts or passages to be apportioned by Corporation.

87. All private improvement expenses charged by the Corporation to or to be paid to the Corporation by the owners of any land or building in, on, or abutting on any court or passage, and having the use thereof in respect of any work to be executed in or for such court or passage, or the benefit of which is to be participated in by such court or passage, may be apportioned among such owners as the Corporation deem equitable, instead of in proportion to their respective frontages.

Corporation may charge owners of lands abutting on street with expenses of new sewers and drains therein.

88. Where the Corporation cause any new sewer to be constructed in any street in which there is not a sewer, or in which the existing sewer is insufficient, or where the Corporation execute any work for the drainage of dwelling-houses in any street, they may charge the owner of the lands abutting upon such street with the payment of the expenses incurred in the construction of the same, and the expenses of such construction and execution shall be recoverable in like manner in every respect as street expenses are recoverable under section 150 of the Public Health Act, 1875: Provided always, that where any such sewer shall be larger than is required for the purposes of the drainage of such street, so much only of the expenses as would have been incurred in the construction of a sewer necessary for the purposes of the drainage of such street shall be recoverable from such owners in manner aforesaid.

Value of existing

89. In ascertaining the proportion to be paid by any owner of the expenses of freeing from obstruction, securing, draining, levelling,

paving, or macadamising any street, or any part thereof, or in doing any of such works, the value and efficiency of any such work theretofore done by such owner or by any preceding owner shall be taken into consideration, and the Corporation may make such allowance as they think fit to any such owner, and the decision of the Corporation in every such case shall be binding and conclusive on all parties.

sewer and streets to be allowed for.

90. The Corporation may, in pursuance of and in addition to their powers under section 150 of the Public Health Act, 1875, on the request of the owners of the land affected, undertake and execute the construction or completion of new or private streets, and the sewering, channelling, metalling, kerbing, and paving thereof, and may, previous to or upon executing such works as the Corporation shall in every such case elect and determine, receive from the owners of lands and premises fronting or abutting on such streets the money required for such construction or completion as estimated, fixed, or apportioned by the borough surveyor, and if such works be executed without previous payment the Corporation may apportion and recover the expenses of executing such works from the said owners of lands and premises fronting or abutting on such streets in the manner directed by the Public Health Act, 1875, for the recovery of private improvement expenses.

Corporation may construct, sewer, kerb, &c. new streets.

91. Whenever any private street or the carriageway or footways only, or some portion thereof, shall have been sewered, formed, paved, or otherwise completed to the satisfaction of the Corporation, they may, by notice to be fixed up in such manner as the Public Health Act, 1875, in such cases directs, declare the whole or part of such street, as the case may be, a highway, and such declaration shall apply to that portion only of the said street, whether the same be the carriageway or footways as defined in such notice, notwithstanding anything to the contrary contained in the Public Health Act, 1875, as to declaring private streets highways.

Corporation may declare private street a highway.

PART IV.

Provisions as to Infectious Diseases, and other Sanitary Provisions.

92. The following provisions for prevention of infection from disease, in addition to those contained in the Public Health Act, shall take effect:

Further powers with respect to prevention of infection from disease.

(*a.*) The Corporation may from time to time provide temporary shelter or house accommodation for the members of a family in which infectious disease has appeared:

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(*b.*) The Corporation may themselves provide or contract with any person or persons to provide female nurses for attendance upon persons suffering from infectious disease within the borough:

(*c.*) The Corporation from time to time may order public or private day schools, or other places of public resort, situate in neighbourhoods threatened with or affected by infectious disease to be temporarily closed or suspended:

(*d.*) The Corporation may order any shop, dairy, or other place for the sale or storage of provisions, clothing, or other articles liable to retain infection to be temporarily closed whenever, from the appearance of infectious disease in such shop, dairy, or other place, or in rooms in connexion therewith, such action appears to the Corporation to be necessary, and may take all such means as seem to them desirable for preventing the entrance of the public into such place or of the issue from it of food, clothing, or other articles:

(*e.*) In case of the existence of any infectious disease in any house within the borough, the Corporation may issue an order declaring such house or any rooms therein or part thereof an infected place, and forthwith, until such order has been determined by another certifying it free from infection, the following regulations shall in respect of such house or part of a house be observed:

1. No person occupying or living in any such house or part of a house shall continue at any in-door occupation which necessitates the handling of any clothing, food, or article likely to retain infection which is intended for sale or for the use of persons belonging to another family:
2. No bedding, clothing, or other articles liable to retain infection shall be removed from such house or part of a house without previous disinfection, or without proper precautions (to the satisfaction of the Corporation) for the purposes of being disinfected:

Provided always, that when the room or rooms occupied by the persons suffering from such disease can be effectually separated, and are so separated from the other parts of the same house or building, the rooms so occupied only shall be deemed to be affected by such order and regulations.

The Corporation shall make compensation to any person who has sustained loss by reason of the exercise of any of the foregoing powers, but such compensation shall be in regard only of direct

material and pecuniary loss, and not in respect of any consequential loss or damage. A.D. 1879.

Notice to be given of persons suffering from certain diseases.

93. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease, the following provisions shall have effect; (that is to say,)

(1.) If any such inmate be suffering from any such disease the occupier or person having the management or control of such building shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the medical officer at his residence, or to the inspector of nuisances at his office, of the existence in such inmate of such disease;

(2.) If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, or if such head be prevented by disease from giving such notice, then such inmate (unless prevented by reason of such disease or of youth), in either of which cases the person having charge of the inmate shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person;

(3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Sixth Schedule to this Act;

(4.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease, forthwith fill up, sign, and send to the medical officer at his residence, or to the inspector of nuisances at his office, a certificate or declaration stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering;

(5.) The Corporation shall pay to every medical practitioner who shall, in pursuance of this section, duly make and give any such certificate or declaration a fee of two shillings and sixpence for every such certificate or declaration;

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and any person who shall wilfully and without reasonable cause offend against this enactment shall for every such offence be liable to a penalty not exceeding two pounds.

Power to supply courts with privies, &c.

94. The Corporation, for the purpose of supplying a court or place with a privy or ashpit accommodation, may from time to time take by agreement any building, and remove the same, and execute all consequent structural and other works, and the owners of such houses in the court or place as are benefited thereby shall be liable to pay the expenses incurred by the Corporation in the execution of this section, and the amount thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place, and the amount apportioned to each owner shall be payable by and recoverable from him.

Penalty on injuring a privy.

95. If any person shall injure or improperly foul any privy, watercloset, ashpit, wash-place used in common by the occupiers of two or more dwelling-houses, or any tub or receptacle for, belonging to, or connected with such privy, watercloset, ashpit, or ash-place, he shall for every such offence forfeit and pay a penalty not exceeding twenty shillings.

Conversion of privies.

96. The Corporation may from time to time order any privy, tub-closet, or ashpit, or other like accommodation of any house, the rateable value of which shall not exceed fifteen pounds per annum, to be altered by the owner thereof according to such system as they may approve, and they may order the owner of any cesspool which is in their opinion injurious or likely to be injurious to health to close or otherwise put the same into disuse. If at the expiration of the time specified in such order the work be not completed, or be done contrary to any of the requirements of the order, the Corporation themselves may do the work, and may borrow money for this purpose as for permanent works under the Public Health Act, 1875. The Corporation may recover the cost of the alteration in like manner as the expenses referred to in section 36 of the Public Health Act are authorised to be recovered: Provided that where the Corporation under this section require the alteration of any privy, tub-closet, ashpit, or other similar accommodation which they have previously approved, or which has been constructed on any system approved by them (whether before or after the passing of this Act), all the expense of such alteration shall be paid by the Corporation.

Regulation tubs for privies, &c.

97. The owner of every dwelling-house in which tubs are used in the privies shall obtain the regulation size tubs from the Corporation, who shall from time to time determine the cost to be

paid for the same, and in case the owner of any dwelling-house use any tub not obtained from the Corporation, he shall for every such offence forfeit any sum not exceeding twenty shillings, and be liable to a continuing penalty not exceeding twenty shillings for every day during which such offence is continued.

Power to enforce privy accommodation.

98. If at any time it appear to the Corporation, on the representation of the medical officer, the inspector of nuisances, or the surveyor, that any building, whether built or rebuilt before or after the passing of this Act, is without a sufficient watercloset or ashpit, the Corporation may give notice in writing to the owner of such building, requiring him, within such time as shall be specified in such notice, to provide such watercloset or ashpit as they shall think fit, and in case of any building in which large numbers of persons of both sexes are employed or lodged the Corporation may require the owner to provide such number of waterclosets as they may think necessary; and if any such owner make default in complying with such requirement after the time specified in such notice he shall be liable on conviction to a penalty not exceeding forty shillings for every day during which such default continues: Provided always, that where a watercloset or ashpit is previous to the passing of this Act used in common by the inmates and occupiers of two or more buildings, the Corporation may, if they think fit, dispense with the providing of a watercloset or ashpit for each such new building.

Penalty for not keeping common stairs clean.

99. If any passages or stairs in any building leading to parts thereof separately occupied be not regularly and effectually swept and kept clean, every occupier of a building or part of a building to which access is obtained by means of such passages or stairs shall be liable to a penalty not exceeding five shillings for each offence.

Closing of polluted wells.

100. Upon the report of the medical officer or the inspector of nuisances to the Corporation that the water of any well is so polluted or unwholesome as to be injurious to health, the Corporation may order such well to be closed by the owner or occupier of the premises to which the well belongs, and if such owner or occupier fails to comply with such order the Corporation may do what may be necessary to close the said well, and any expenses incurred by them may be recovered in a summary manner from such owner or occupier.

Removal of urinals.

101. The Corporation may order the owner and occupiers of any building or lands to remove any urinal belonging thereto so situated or constructed as to be a nuisance or offensive to public decency or otherwise objectionable, and if any person fails in any respect to

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comply with this section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him.

PART V.

Local Government, Street Traffic, Police, &c.

Local Government.

Regulating places for music and other public entertainments.

102. From and after the 1st day of September 1880 no house, room, garden, or place within the borough shall be kept or used for public dancing or music without a license first had and obtained from the justices of the peace for the borough in petty sessions assembled (which license such justices are hereby authorised and empowered at their discretion to grant) on their general annual licensing day or on any transfer day, and under the hands and seals of a majority of the justices there assembled, and any house, room, garden, or place kept and used for any such purposes as aforesaid without such license first had and obtained shall be deemed a disorderly house, and the person occupying or rated as the occupier of the same shall, on conviction before any two of such justices, be liable to a penalty not exceeding five pounds for every day on which he shall so offend: Provided always, that in order to give public notice what places are licensed pursuant to this Act there shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place kept or used for any of the said purposes, and so licensed as aforesaid, an inscription in large capital letters of such dimensions as shall be prescribed in such license in the words following: "Licensed for music (*or* dancing, *or both, as the case may be*) pursuant to Act of Parliament," and no such house, room, garden, or place kept or used for any of the said purposes, although licensed as aforesaid, shall be opened for any of the said purposes except between the hours stated in the license, and the affixing and keeping up of such inscription as aforesaid and the said limitation in point of time shall be inserted in and made a condition of every such license; and in case of any breach of any of the conditions of any such license, such license shall be liable to be forfeited and revoked by the justices of the peace for the borough in petty sessions assembled on any general annual licensing day or on any transfer day or adjournment thereof, or to be suspended and temporarily revoked until the next general annual licensing day by two justices in any case in which it shall be proved to the satisfaction of such justices that more than one breach of such conditions has

occurred since the granting of such license: Provided also, that it shall be lawful for any person who shall think himself aggrieved by any order of any such justices to appeal therefrom to the quarter sessions for the borough of Derby (which court shall have power to hear and determine the same), whose order therein shall be final.

Byelaws with reference thereto.

103. Subject to the provisions of this Act, the Corporation may from time to time make, repeal, amend, or alter such byelaws as they may think fit for the good government and management of any house, room, garden, or place licensed under this Act for public dancing or music, and for the prevention of disorderly conduct therein, and may impose penalties for the breach or non-observance thereof, not exceeding five pounds for each offence.

Power to enter unlicensed theatres.

104. Any justice by order in writing may authorise the chief constable, or any superintendent or inspector belonging to the police force of the borough, with such constables as he may think necessary, to enter into any house, building, or room kept or used for stage plays or dramatic entertainments, or for any public show or exhibition into which admission is obtained by payment of money, and which is not a licensed theatre; and every person keeping, using, or knowingly letting any house, building, room, or other tenement for the purposes aforesaid, or any of them, shall be liable to a penalty not exceeding twenty pounds, recoverable before any justice, and in default of payment of the penalty and costs may be committed to prison, with or without hard labour, for any time not exceeding two months; and a conviction under this Act for this offence shall not exempt the owner, keeper, or manager of any such house, room, or tenement from any penalty or penal consequences to which he may be liable for keeping a disorderly house, or for the nuisance thereby occasioned: Provided that the onus of proving that such place is a licensed theatre shall be upon the person keeping the same.

Dealers in old metals, &c. to be licensed.

105. After the expiration of one month after the passing of this Act no person shall carry on within the borough the business of a dealer in old metals or marine stores unless such person shall have obtained a license from the Corporation authorising him to carry on such business, which license the Corporation shall have the power of granting.

Names of dealers to be written on front of houses where the business is carried on.

106. Every person who shall be so licensed shall cause to be painted in Roman capital letters four inches at the least in height, and of a proportionate and proper breadth, on the outside of the front of the house or building in which such business shall be carried on, and so that the name shall be at all times plainly and distinctly visible and legible, his Christian name and surname at full length,

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together with the words "Licensed dealer in marine stores," or, as the case may be, "Licensed dealer in old metals," and such person shall continue such name and words so painted during all the time that he shall continue to carry on the said business upon the same premises.

Dealers to keep books for entering articles purchased.

107. Every person so licensed shall correctly enter in a book to be kept by him for that purpose the description and price of all articles purchased or otherwise acquired by him, and the name, address, and occupation of the person offering the same for sale, and in case of neglect or refusal to keep such book or to make such entries he shall for every such offence be liable to a penalty not exceeding five pounds.

Persons applying for licenses to sign requisition.

108. Before any such license shall be granted a requisition for the same, in such form as the Corporation shall provide, shall be made and signed by the person carrying on or about to carry on the business in respect of which such license shall be applied for, and in every such requisition there shall be truly specified the Christian name and surname and place of abode of the person applying for such license, and the place where the business of such person is or is proposed to be carried on.

License to be in force for one year.

109. Every license so to be granted shall be signed by the chief constable, and, save as herein-after provided, shall be in force for one year from the date thereof: Provided that every such license shall expire on the thirty-first day of December in every year.

What shall be specified in the licenses.

110. There shall be specified in every such license the true Christian name and surname and place of abode of the person who shall carry on or be about to carry on the business in respect of which such license shall be granted, and also the name of the street and the number of the house or building in which such business is or is intended to be carried on.

Fee on license.

111. For every license and for every renewal thereof there shall be paid to the Corporation such sum, not exceeding five shillings, as the Corporation shall direct, and such licenses shall be entered in a book to be provided by the Corporation.

Notice to be given of change of abode or of place of business.

112. So often as any person named in any such license shall change his place of abode or the place of carrying on his business he shall within twenty-four hours next after such change give notice in writing signed by him to the Corporation, specifying in such notice his new place of abode or his new house or place of business, and such person shall at the same time produce his license to the proper officer of the Corporation, who shall indorse thereon a memorandum specifying the particulars of such change.

License may be suspended or revoked.

113. Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence making it in the opinion of any such justice expedient that such license should be suspended or revoked.

Penalty on persons carrying on business without license.

114. If any person after the expiration of one month from the commencement of this Act, and with notice thereof, carries on while unlicensed the business of a dealer in old metals or marine stores as aforesaid, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for every day during which such offence continues after the time when the penalty of ten pounds is adjudged.

As to hawking petroleum, &c.

115. It shall not be lawful for any person to hawk, sell, or expose for sale petroleum or any dangerous explosive or inflammable liquid or substance in any street, market, or market-place within the borough, except in shops where such articles may lawfully be sold. Any person hawking or selling any such article contrary to this enactment shall for each offence be liable to a penalty not exceeding twenty pounds for every offence.

Prohibition of placards, &c.

116. If any person by himself or his agent, without the consent of the owner or occupier of a building, wall, fence, hoarding, or other erection, affixes thereto any advertisement, placard, bill, or other paper or thing, he shall for every such offence be liable to a penalty not exceeding forty shillings.

Prohibition of obscene bills, &c.

117. If any person affixes on any building, urinal, wall, fence, hoarding, or other erection in the borough any posting bill or printed or written paper of an obscene, indecent, or offensive nature, he shall for every such offence be liable to a penalty not exceeding forty shillings, and if any such placard, bill, or other paper be so affixed in the presence or view of any police officer he may apprehend such person and charge him with the offence against this enactment without the necessity of the owner or occupier of the said premises prosecuting such offender.

Goods not to be rested on footways, &c.

118. No goods or other articles shall be allowed by any person to rest on any footway or other part of a street within the borough, so as to cause obstruction or inconvenience to the passage of the public on the same, for a longer time than may be absolutely necessary for loading or unloading such goods or other articles, whether such footway or street be a highway repairable by the Corporation or a street or thoroughfare laid out by the owner thereof and used by the public as a thoroughfare, although not declared by the Corporation to be a highway, and if any person does or causes or suffers to be done anything in contravention of

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this section he shall for every such offence be liable to a penalty not exceeding forty shillings.

Street Traffic, &c.

As to street traffic.

119. The following provisions with respect to traffic in the streets of the borough shall have effect; (that is to say,)

The mayor or the chief constable of the borough may from time to time make regulations for the route to be observed by all carts, carriages, horses, cattle, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meetings, public rejoicings, and illuminations, and at such times as the streets are liable to be thronged or obstructed, and give directions to the constables for keeping order and for preventing noise and obstruction in the neighbourhood of the Town Hall, police court, theatres, and other places of resort, and any person guilty of any breach of such regulations, or who does not comply with the direction of any constable acting in pursuance of such regulations, shall be liable to a penalty not exceeding five pounds:

10 & 11 Vict. c. 89.

The provisions of the Towns Police Clauses Act, 1847, with respect to hackney carriages shall apply, mutatis mutandis, to any carriage as defined by this Act plying or standing for hire or for the conveyance of passengers at separate fares in any part of the borough, and to the drivers and conductors of such carriages; but nothing herein contained shall authorise the Corporation to regulate the fares to be charged in respect of omnibuses, stage carriages, or tram cars.

Byelaws relating thereto.

120. The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For inspecting and regulating carriages plying for hire or for the conveyance of persons at separate fares in any part of the borough, the places where they shall stand, the conduct of the drivers and conductors thereof, the number and fitness of the animals to be employed to draw the same, and for preventing the overcrowding thereof;

For prohibiting entirely, or at certain times, any cart or carriage from coming into or passing along any street in which any public building is situate during specified hours;

For regulating the speed of carts and carriages during specified hours, and generally for regulating street traffic in the borough.

Any person dissatisfied with any order, determination, or adjudication of the Corporation or of any justice of the peace under any byelaw made under this Act with respect to public carriages, the drivers and conductors thereof, or the horses to be employed in drawing the same, shall be entitled to appeal against the same to the

next court of quarter sessions in the same manner and subject to the same provisions as in the case of an appeal from the decision of a court of summary jurisdiction under section 269 of the Public Health Act, 1875: Provided that such byelaws as to the places wherein such carriages shall stand shall apply only to the public streets within the borough, and not to any private ground or within the curtilage or boundary of any railway station or railway approaches connected therewith, not being public highways.

Regulating owners and drivers of hackney carriages and omnibus conductors.

121. Whenever complaints shall be made to the Corporation or any hackney carriage committee of the council of the borough that any owner, driver, or conductor of a public carriage has been guilty of any misconduct in connexion with his calling, or has acted contrary to any Public General Act or to any byelaw in force in the borough for the regulation of public carriages and owners, drivers, and conductors thereof respectively, the said committee may summon such owner, driver, or conductor before them, appointing a reasonable time and place for the hearing of such complaint, and on such hearing it shall be lawful for the said committee to suspend the license of such owner, driver, or conductor for such period as the committee may think proper, or to revoke the same. Every owner, driver, or conductor acting as such after any such suspension or revocation, or failing to attend the said committee after reasonable notice, shall be deemed guilty of an offence, and be liable to a penalty not exceeding twenty shillings, and a further penalty not exceeding twenty shillings for every day during which such offence shall continue.

Corporation may allow shelter houses to be placed in streets.

122. The Corporation as surveyors of highways may authorise and permit such suitable erections as they may approve of to be placed in such of the streets of the borough as they may think fit for the use, convenience, and shelter of drivers and conductors of carriages plying or standing for hire or for the conveyance of passengers at separate fares.

Police.

Extension of section 28 of 10 & 11 Vict. c. 89.

123. Section 28 of the Towns Police Clauses Act, 1847, incorporated with the Public Health Act, 1875, shall for the purposes of this Act be read and have effect as if the following paragraphs were inserted therein; (that is to say,)

Every person who shall bathe in any place or at any time forbidden by an order of the Corporation (which order the Corporation are hereby authorised to make):

Every person who writes or draws any profane, indecent, obscene, or offensive word, character, figure, or representation on any pave-

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ment, footway, urinal, building, wall, door, post, fence, hoarding, or other erection anywhere in the borough:

Every person selling, offering or exposing for sale any coals, slack, culm, cannel, coke, breeze, or charcoal of any description in any quantity and at any house or in any street within the borough, and who shall not carry and have with him proper scales and weights for weighing the same, and who shall fail to produce such scales and weights when required by any police officer or purchaser, and who refuses to weigh any coal, slack, culm, cannel, coke, breeze, or charcoal on request of the purchaser thereof:

Every person delivering coals, slack, culm, cannel, coke, breeze, or charcoal of any description in any quantity at any time in the borough who fails to deliver a ticket truly stating the weight and quality thereof:

Every person who shall for the purpose of selling newspapers or periodicals make in the streets of the borough loud calls, cries, or noises to the disturbance of the inhabitants:

Every person who shall in the market halls make loud and unseemly calls, cries, and noises to the disturbance of the inhabitants and the persons using such market halls:

Every person who shall in any street, market, market-place, or market halls, or in the arboretum, public recreation ground, or in any other enclosure, place, building, or erection to which the public are admitted upon or without payment, engage in any fight or brawl, or be guilty of any riotous or indecent behaviour therein:

Every person who shall ride, drive, or propel any bicycle, velocipede, or other similar mechanical contrivance without sounding a bell, and after sunset also carrying a lighted lamp, or who shall at any time within the streets of the borough ride or propel any bicycle, velocipede, or other similar mechanical contrivance at any greater speed than eight miles an hour, or upon the footpath or footway in any street.

Coal, &c. not to be thrown down in streets.

124. Notwithstanding anything to the contrary contained in section fifty-three of the Improvement Act, any person who shall after the passing of this Act throw or lay down in any street any coal, cannel, culm, or breeze, and shall allow the same to remain therein for any longer time than is absolutely necessary to admit of their removal with reasonable promptitude from such street to their destination, shall be liable to a penalty not exceeding forty shillings.

For suppression of betting in streets.

125. Any three or more persons assembled together in any part of a street for the purpose of betting shall be deemed to be obstructing the street, and each of such persons shall be liable to a penalty not exceeding five pounds.

Street musicians to depart when required to do so.

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

Penalty on persons obstructing footpaths.

127. If three or more persons shall be assembled together in any street at any time of the day or night so as to obstruct the free passage of foot passengers along any footway of such street, or for the purpose of assaulting, insulting, or annoying foot passengers, and if any such person shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed, or shall assault, insult, or annoy any foot passenger, he shall be liable to a penalty not exceeding five pounds.

Regulations as to dogs.

128. The following regulations as to dogs shall have effect within the borough; (namely,)

Any constable may take possession of any dog found in any street, market, or market hall in the borough and not apparently under the control of any person, and may detain such dog until the owner has claimed the same and paid all charges and expenses incurred by reason of such detention:

The mayor may issue an order requiring any dog while in the streets and not being led by some person to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction, and during the currency of any order or public notice issued by the mayor directing dogs to be confined or muzzled any constable may take possession of any dog found in a street without such muzzle, and may detain such dog until the owner has claimed it and has provided a proper muzzle for it, and has paid all charges and expenses connected with such detention:

Where any dog taken possession of by any constable wears a collar with the address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be sent by the chief constable by post to the address inscribed on the collar:

The chief constable may cause any dog which has remained in the possession of any constable for seven clear days without the owner claiming the same, and paying all charges and expenses incurred by its detention, to be sold or destroyed:

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Any moneys arising from the sale of any dogs, beyond satisfying the charges and expenses incurred, shall be paid over to the borough treasurer in aid of the borough fund:

All dogs detained by the justice under this section shall be properly fed and maintained.

PART VI.

Byelaws.

Power to make byelaws.

129. The Corporation may from time to time make, alter, vary, or rescind byelaws for all or any of the following purposes:

1. For regulating the construction and insuring the safety of balconies and projections from buildings, and of temporary platforms, stands, galleries, erections, and scaffoldings in, on, or over streets and places, and in, on, or over private lands where such platforms, stands, galleries, erections, and scaffoldings are intended for public or private use:
2. For regulating the use of traction engines in any street of the borough and the licensing thereof, and also for the licensing and regulating the conduct of the drivers, conductors, engine men, or persons employed in connexion with the use of such engines:
3. For restricting the loading or unloading across, or the lowering or drawing up by means of machinery, ropes, or chains over or across the footways of any street in the borough of coals, coke, wood, grain, goods, merchandise, or chattels, except between the hours of three o'clock in the afternoon and eleven o'clock in the morning between the thirty-first day of October and the thirty-first day of March, and between the hours of five o'clock in the afternoon and nine o'clock in the morning between the thirty-first day of March and the thirty-first day of October:
4. For licensing and regulating the conduct of licensed bill-posters, hawkers of newspapers, commissionaires, shoeblacks, and costermongers, and the places in and at which and the hours during which they may exercise their respective callings, and for regulating the use of boards and conveniences provided by companies and persons for the reception of advertisements, placards, and bills:
5. For regulating the management and use of shelter places for drivers of hackney carriages and the conduct of the persons using the same:
6. For regulating the use and management of and the maintaining of discipline in Bass' Free Baths, Bass' Free Library,

Bass' Recreation Ground, and all other institutions, lands, and hereditaments vested in the Corporation for the use and enjoyment of the inhabitants of the borough.

General provisions as to byelaws.

130. 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 with respect to byelaws contained in sections 182 to 187 (both inclusive) of the Public Health Act: Provided that all byelaws may be partly in print and partly in writing (including lithograph).

PART VII.

Weights and Measures.

Inspector of weights and measures to test steelyards, &c., and affix test stamp.

131. Any inspector of weights and measures shall examine and test every steelyard or other machine to be used for the weighing of coal to be sold by retail which shall be brought to him for that purpose, and if he shall find the same correct he shall affix thereon a stamp or mark (in this Act called "the test stamp") indicating that it is correct.

Steelyards, &c. used in sale of coal by retail to be re-tested periodically or whenever required.

132. Every person selling coal by retail and using for that purpose a steelyard or other machine with the test stamp thereon shall whenever required by an inspector of weights and measures, and (whether or not required) before the expiration of one year from the date of the last examination, bring such steelyard to an inspector of weights and measures to be re-verified, and so from time to time, and an inspector of weights and measures shall examine and test every steelyard and other machine so brought to him, and if found correct shall affix a new test stamp thereon.

Charges for examination and testing.

133. The inspector of weights and measures shall be entitled to charge one shilling for every examination and testing of the steelyard or other machine under this Act, but when a steelyard or other machine is brought upon his requisition to be re-tested before the expiration of a year from the date of the test stamp no charge shall be made in respect thereof.

Test stamp not to be in force beyond a year.

134. No test stamp shall have any force or validity after the expiration of one year from the day on which it was affixed.

Penalty for using steelyard without a test stamp or for frauds in relation to test stamps.

135. Any person who uses in and for the purpose of the sale of coal by retail a steelyard or other machine which has not affixed upon it a proper test stamp, or who, not being the inspector of weights and measures, or acting under his authority, affixes a test stamp or mark intended to pass or be taken as a test stamp, shall for every such offence be liable to a penalty not exceeding five pounds.

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Penalty for resisting an inspector of weights and measures.

136. If any person shall resist an inspector of weights and measures lawfully acting in the exercise of the powers by this Act conferred upon him, or shall prevent, obstruct, or hinder him in the performance of his duty, he shall be liable to the same pains and penalties as he would have incurred if he had resisted, prevented, obstructed, or hindered such inspector in the performance of his ordinary duty of examining and testing weights and measures.

PART VIII.

Financial.

Expenses of executing Act.

137. All costs, charges, and expenses from time to time incurred by the Corporation in or about the execution of the purposes of this Act shall be paid or charged as follows; that is to say,

With respect to the waterworks undertaking of the company, including the payment of the purchase money and of all debts of that company secured by debenture, they shall be paid out of or be charged upon the water revenue, and out of or upon the general district rate;

And with respect to the other purposes of this Act, except as otherwise specially provided, they shall be paid out of or be charged upon the district fund or the general district rates.

Separate accounts for waterworks.

138. The Corporation shall keep separate accounts of receipts and expenditure on capital and revenue account for and in relation to the waterworks and supply of water. Such accounts shall show all moneys from time to time expended thereon or received in respect thereof respectively.

Water rates for expenses of carrying powers of Act into execution.

139. In case the water revenue of the Corporation shall in any year be insufficient for the payment of the moneys, including borrowed moneys, payable in respect of the same, the Corporation may in such year, according to the powers and provisions of the Public Health Act, 1875, make, assess, and levy a general district rate, to be called "The Waterworks Rate," for defraying the charges and expenses of carrying this Act into execution in respect of the water undertaking.

Power to levy general district rate.

140. In addition to the waterworks rate by this Act authorised the Corporation may also make, assess, and levy a general district rate for the payment of the costs, charges, and expenses of obtaining this Act, or if the amount thereof be borrowed, then for repayment of the same as provided by this Act, with interest, and such waterworks rate and general district rate respectively shall, notwithstanding the provisions of sections forty-three to forty-six, both inclusive, of the Derby Corporation Act, 1877, be assessed and

levied upon the whole district of the borough, and not upon the several districts thereof as such. A.D. 1879.

Water rates may be collected with general district rates.

141. For the purpose of diminishing the expense of assessing, making, levying, and collecting the waterworks rate under this Act, the Corporation may include the same in any general district rate under the Public Health Act, 1875, and make, levy, collect, and recover such waterworks rate as part of any such general district rate.

Amount of rate to include expenses of recovering it.

142. The amount of any rate made by the Corporation under this Act may, if they think fit, be of such amount as in their judgment will be sufficient to raise or discharge not only the sum or sums in respect of which the rate is made, but also such a sum as will meet the expenses of what is in their judgment a due proportion of the expenses incurred in and about making and recovering the rate.

Certain regulations of 38 & 39 *Vict.* c. 55. as to borrowing not to apply.

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

Power to borrow.

144. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow), subject to the provisions of this Act, borrow at interest such moneys as they may think requisite for the purposes of this Act, and for paying the costs of obtaining it.

Limitation of borrowing powers.

145. The moneys to be borrowed by the Corporation under the authority of this Act shall not, in connexion with the following purposes, exceed the following sums; (that is to say,)

For the purpose of acquiring the waterworks and undertaking of the company, and of discharging the debenture debt of the company, such sum as shall be equal to the amounts to be paid by the Corporation to the company, including costs, and all moneys to be paid in respect of capital expenditure before the day of completion, and to the debenture holders of the company under the provisions of this Act;

For the redemption of the annuities such further sum or sums as the Corporation from time to time may find requisite, not exceeding in the whole the capitalised value thereof, not exceeding twenty-five years purchase;

And with respect to the other purposes of this Act such sum as the Local Government Board shall from time to time approve.

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Power to mortgage.

146. For securing the repayment of moneys borrowed under the authority of this Act for any of the purposes of this Act, the Corporation may mortgage the rate or fund, or rates or funds, or revenues upon which the costs, charges, and expenses from time to time incurred by the Corporation in the execution of such purpose are made a charge by this Act, and in case the Corporation shall secure the repayment of such moneys by mortgage, the provisions of the Public Health Act, 1875, sections 236 to 239 (both inclusive), with respect to the mortgages to be executed by a local authority, shall apply except where the same are herein-after expressly altered or varied, and for the purposes of such application the term local authority in the said provisions shall be construed to mean the Corporation.

Form of mortgage.

147. Every mortgage made by the Corporation under this Act shall be by deed under their common seal duly stamped and truly stating the consideration, and may be in the form given in the Seventh Schedule to this Act, or to the like effect.

Provisions as to coupons for interest on mortgages.

148. With respect to coupons for interest on mortgages the following provisions shall have effect; (that is to say,)

The Corporation may from time to time, if they think fit, issue to holders of mortgages of the Corporation coupons for the interest from time to time to fall due on such mortgages, which coupons may be in such form as the Corporation from time to time think fit, and may be made payable to the bearer of each coupon, or to the person named therein or his order:

Every coupon shall refer to the mortgage to which it relates, and specify the amount and time of payment of one half year's interest to fall due on the principal money secured by such mortgage, and shall be authenticated in such manner as the Corporation may from time to time think fit to prescribe by resolution:

On presentation to the treasurer of any such coupon he shall pay to the person presenting the same the amount of interest in such coupon specified to be payable:

The coupon shall be accepted in the audit of the accounts of the treasurer as a voucher for the payment of the sum for which the coupon was issued:

The treasurer shall not be bound to pay any coupon unless upon its presentation there be money of the Corporation in his hands applicable in that behalf.

Payment off of money borrowed by instal-

149. The sections 233 to 239 (both inclusive) of the Public Health Act, 1875, with respect to mortgages to be executed by the local authority, shall, subject to the provisions of this Act, be applicable to

the mortgages to be made by the Corporation under this Act: Provided that the Corporation shall pay off any money borrowed by them under this Act and the debenture debt of the Company either by equal annual instalments of principal, or of principal and interest, or by means of a sinking fund appropriated and invested in any securities authorised by law for investment by trustees, and with the accumulation thereof (if any) from time to time applied for that purpose, as follows; (namely,)

ments or sinking fund.

As regards any money borrowed for the purpose of the water undertaking before the expiration of five years from the passing of this Act, and the debenture debt of the Company, within sixty-five years after the expiration of such five years, but such repayment or sinking fund respectively need not commence until ten years after the transfer to the Corporation of the water undertaking;

As regards any money borrowed for the purpose of the water undertaking after the expiration of such five years, within sixty-five years after the same is borrowed;

As regards any money borrowed for any of the other purposes of this Act, within sixty years after the same is borrowed.

Sinking fund for annuities.

150. The Corporation shall from and after the expiration of ten years from the transfer to them of the waterworks and water undertaking, out of the district fund, general district rates, waterworks rate, or the water revenue, make provision for the extinction of any annuities issued by them under this Act, either by equal annual instalments, or by a sinking fund appropriated and invested, and with the accumulations thereof (if any) from time to time applied for that purpose, so as in either case to extinguish or be in a position to extinguish the whole of such annuities within seventy years from the transfer; and if at the end of that time the annuities, or any of them, are not wholly extinguished, then the Corporation shall, so long as they are liable to pay the same, apply in or towards that payment the annual income arising from the sinking fund provided under this section, and the amounts of the instalments, and the amounts to be from time to time appropriated for any sinking fund, shall be such as the Local Government Board shall, having regard to the provisions of this and sections 148 and 150 of this Act, approve.

Application of sinking fund.

151. The Corporation may at any time apply the whole or any part of any sinking fund set apart under this Act in or towards the discharge of the moneys or annuities for the repayment of which the fund has been established; provided that they pay into the fund in each year, and accumulate until the whole of the moneys or annuities borrowed are discharged or redeemed, a sum equivalent

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to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

Power to re-borrow.

152. The Corporation may from time to time re-borrow any amount borrowed by them under this Act and paid off otherwise than by instalments or by means of a sinking fund, or by re-sale of surplus lands.

Corporation not to regard trusts.

153. The Corporation shall not be bound to see to the execution of any trust, whether expressed, or implied, or constructive, to which any loan or security for loan given by them may be subject, but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof, notwithstanding any trusts to which such loan or security may be subject, and whether or not the Corporation have had express or implied notice of any such trust, or of any charge or incumbrance upon or transfer of such loan or security, or any part thereof or interest thereon, not entered on their register; and the Corporation shall not be bound to see to the application of the money paid on any such receipt, or be answerable or accountable for any loss, misapplication, or non-application of any of such money.

Power to borrow under 38 & 39 Vict. c. 83.

154. The Corporation, if they think fit, may borrow the moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner provided by this section shall be a charge upon and shall be paid out of the funds, rates, or revenues on the security of which moneys are herein-before authorised to be borrowed by the Corporation. Every such loan shall be discharged within the several periods herein-before respectively provided, and such discharge or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit, and if the Corporation at any time think fit to form any such sinking fund all sums paid into the same shall (as soon as may be) be invested by the Corporation in any manner in which trustees are by law for the time being authorised to invest trust moneys. The form of the certificate and of the transfer of debenture stock issued under this section may be as set forth in the Eighth Schedule to this Act.

Power to re-borrow under 38 & 39 Vict. c. 83.

155. The Corporation may for the purpose of paying off any moneys raised by them under this Act by the issue of debentures or debenture stock under the powers and subject to the provisions of the Local Loans Act, 1875, re-borrow from time to time during

the period prescribed for the repayment of such moneys such sum as they may require by the issue of fresh debentures or debenture stock under the powers and subject to the provisions of the Local Loans Act, 1875: Provided that all sums so re-borrowed shall be paid within the period prescribed for the repayment of the moneys in respect of which such re-borrowing has been made, and that the moneys originally borrowed and any sums from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose 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 in respect 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 in any way be affected by reason of such re-borrowing.

Repayment by annual sums of moneys borrowed under 38 & 39 Vict. c. 83.

156. If the Corporation elect to secure the discharge of any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act, 1875, the following provisions shall have effect; that is to say,

(1.) The amount of the annual sum shall be an annuity which (calculated at the rate of interest payable by the Corporation on the money borrowed) will repay the money borrowed and the interest thereon within the prescribed period:

(2.) If in any year any part of such annual sum remains at any time unapplied in payment of principal and interest, the amount to be appropriated by the Corporation in the ensuing year shall be the annuity, together with a sum equal to the interest on such part for the time during which such part has remained unapplied, at the rate of interest at which the annuity is calculated:

(3.) Whenever 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 so paid off, the annual sum shall be reduced or, as the case may be, increased by the subtraction therefrom or the addition thereto of a sum eqivaulent to the decrease or increase of the interest payable by the Corporation in consequence of such repayment and re-borrowing.

Repayment of borrowed moneys.

157. All moneys borrowed by the Corporation under the powers of this Act for the purpose of redeeming annuities or discharging any loan previously raised shall be paid off and discharged within the time within which the annuities redeemed or the loan paid off,

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as the case may be, are by this Act required to be redeemed or paid off.

Protection of lenders from inquiry.

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

Priority of existing mortgages.

159. All mortgages granted by the Corporation, subsisting at the passing of this Act, shall during their continuance have priority of charge on the security therein comprised over all mortgages, debenture stock, and annuities granted or issued under this Act.

Application of revenue.

160. The Corporation shall apply all water revenue on behalf of the water undertaking as follows; (that is to say,)

First, in payment of their costs, charges, and expenses of and incidental to the collecting and recovering of water rents and rates, and of the borrowing of money under this Act for purposes of the water undertaking;

Secondly, in payment of the working and establishment expenses and cost of maintenance of their water undertaking;

Thirdly, in payment to the several debenture holders of the interest on the debenture debt of the Company, according to their several priorities;

Fourthly, in payment of the annuities granted to the holders of shares in the water undertaking;

Fifthly, in providing the moneys required to pay the interest on moneys borrowed by them under this Act for the purpose of the water undertaking;

Sixthly, in providing the requisite instalments or sinking fund under this Act, or otherwise making provision for repayment of the moneys borrowed under this Act for waterworks purposes, and of the principal of the debenture debt of the Company;

Seventhly, in providing a reserve fund, if they think fit, for the water undertaking, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in any securities in which trustees are or may be authorised to invest trust moneys, and accumulating the same at compound interest until the fund so formed amounts to thirty thousand pounds in respect of the water undertaking, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their water undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, or to the im-

proving and extending their waterworks undertaking, and so that if such fund is at any time reduced it may thereafter be again restored to the sum of thirty thousand pounds, and so from time to time as often as such reduction happens;

and any balance remaining in respect of the water undertaking in any one year shall be devoted to the reduction of the price of water charged to consumers of water for domestic purposes.

Application of money borrowed.

161. All money borrowed under this Act shall be applied for purposes of this Act only to which capital is properly applicable.

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

162. The treasurer of the borough shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid off by instalments, or to be appropriated to the discharge of moneys borrowed or re-borrowed under this Act, transmit to the Local Government Board a return in such form as has been or may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested, appropriated, or applied for the purpose of such sinking fund or the discharge of such moneys during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the amount paid off by instalment, and the purposes to which any portion of the amount appropriated, or of the sinking fund or investment, or of the sums accumulated by way of interest, has been applied during the same period, and the total amount (if any) remaining invested at the end of the year, and in the event of any wilful default in making such return he shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to appropriate the amount required to be appropriated, or to set apart the sum required for the sinking fund, or to pay any instalment, or have applied any portion of the money so appropriated or set apart for the sinking fund, or of the sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Corporation, if desirous to be heard, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be appropriated to the discharge of the moneys borrowed or, as the case may be, set apart and invested or applied as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Receipt in case of persons not sui juris.

163. If any money is payable under this Act to or for the benefit of a person being an infant or person of unsound mind so found

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by inquisition, the receipt of the guardian or committee of his estate shall be a discharge to the Corporation for the same.

Saving for existing charges.

164. Nothing in this Act shall prejudicially affect any charge on the corporate estates of the Corporation, and the borough fund and borough rates, and the district fund and general district rates, or any of them, by way of annuity, mortgage, or otherwise, subsisting at the commencement of this Act, and every annuitant, mortgagee, or incumbrancer, or person for the time being entitled to the benefit of any such charge, shall have the same priority of charge, and all the like rights and remedies in respect of the property subject to the charge, as if this Act had not been passed; and all such charges created before the commencement of this Act shall, during the subsistence thereof, have priority over any annuity, certificate, mortgage, debenture, or debenture stock granted under this Act.

PART IX.

General.

Power to accept statues, &c.

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

Compensation to firemen and others.

166. If any fireman, police officer, or other person employed by the Corporation shall, in the discharge of his duty, suffer any bodily injury or loss of life, the Corporation may, if they think fit, give to him, or to his widow and children (if any), or any of them, such compensation by way of annuity or otherwise as they think fit.

Town clerk may take proceedings in bankruptcy.

167. The town clerk may institute and prosecute all such proceedings in bankruptcy under the Bankruptcy Act, 1869, or any Act amending or substituted for the same, as may be necessary to procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand, as though such claim or demand were the claim or demand of the town clerk and not of the Corporation.

Form and service of notices by Corporation.

168. Any instrument (including a notice, order, resolution, declaration, adjudication, requisition, consent, approval, disapproval, certificate, license, demand, determination, appointment, or other document) made, given, delivered, or served under this or any other

Act or any byelaw by the Corporation may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk or of the treasurer, or of the surveyor or other proper officer (according to the subject of the particular instrument), being affixed thereto in print or in writing (including lithograph), or by a stamp, on behalf of the Corporation; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description; and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring houses or buildings collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several houses or buildings concerned), and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building in respect of which it is given or served, or if the building is unoccupied, and the place of abode of the person to be served is after diligent inquiry unknown, it shall be sufficient to affix it, or a copy thereof, upon some conspicuous part of such building. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Right of appeal in certain cases.

169. Any person deeming himself aggrieved by any notice given by the Corporation under section 55 of this Act, or by the withholding of the certificate of the town clerk or borough surveyor under section 62 of this Act, or by the withholding of the certificate of the borough surveyor, the inspector of nuisances, the officer of health, or other person appointed by the Corporation under section 64 of this Act, or by any requisition by the Corporation or charge made by them under section 69 of this Act, or by any apportionment of expenses under sections 86 and 87 respectively of this Act, or by any charge or apportionment of expenses under section 88 of this Act, or by any apportionment of expenses or allowance made by the Corporation, or by any order

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made by the Corporation under section 100 of this Act, or by any order or conviction of a court of summary jurisdiction in respect of any matter mentioned in any of those sections, may appeal to the next quarter sessions in the same manner and subject to the same provisions as in the case of an appeal from the decision of a court of summary jurisdiction under section 269 of the Public Health Act, 1875, and for the purposes of such appeal any decision of the borough surveyor, the inspector of nuisances, the officer of health, or any other person appointed by the Corporation shall be deemed to be the decision of the Corporation.

Compensation how to be determined.

170. 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 Act.

Application of 38 & 39 Vict. c. 55. for recovery of penalties.

171. Save as otherwise expressly provided by this Act, the provisions of the Public Health Act, 1875, with respect to the prosecution of offences and the recovery and application of penalties shall be applicable to offences committed and penalties recoverable under this Act.

Compensation may be in land, &c.

172. The Corporation, when they are required by any enactment to make compensation to any person interested in any lands, may, by agreement with such person, make such compensation wholly or partly in works, land, or money.

Saving from effect of repeal.

173. The repeal by this Act of any enactment shall not, unless so expressly provided, affect the validity, invalidity, effect, or consequence of anything already done or suffered, or any existing status or capacity, or any right acquired or accrued, or any debt owing to or by the Corporation, or any penalty incurred, or any remedy or proceeding in respect of such right, debt, or penalty, or the proof of any past act or thing.

Expenses of Act.

174. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and obtaining and passing of this Act shall be paid by the Corporation in the first instance out of the district fund or general district rate, and ultimately out of moneys borrowed under the authority of this Act and charged on the district fund and general district rate, and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

The SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

Form of Deed of Conveyance of Waterworks and Water Undertaking of Company to Corporation.

In pursuance of and subject to the provisions of the Derby Improvement Act, 1879, and in consideration of , the Derby Waterworks Company do hereby grant, convey, and assign their works and water undertaking unto the mayor, aldermen, and burgesses of the borough of Derby, to hold the same unto them, their successors and assigns, as from the day of one thousand eight hundred and , and the said mayor, aldermen, and burgesses do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and .

Seal of the Derby Waterworks Company.

THE SECOND SCHEDULE.

Form of Certificate of Annuity.

Derby Corporation (A) Water Annuities.

Annuity No. £

By virtue of the Derby Improvement Act, 1879, the mayor, aldermen, and burgesses of the borough of Derby (herein-after called the Corporation) do hereby certify that of is, under and subject to the provisions of that Act, entitled to an annuity, redeemable as in the said Act is provided, of charged on and issuing out of the revenues of the waterworks undertaking of the Corporation, and on and out of the district fund and general district rates for the time being of the borough of Derby, which annuity is payable to the said , his executors, administrators, or assigns, clear of all deductions (except for income tax), at [*here insert the names of the banks or the bankers for the time being of the Corporation*], by

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equal half-yearly payments on the first day of July and the first day of January in each year, the first payment whereof is to become due and payable on the first day of July one thousand eight hundred and eighty.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Derby, this day of one thousand eight hundred and

Entered

L.S.

Town Clerk.

THE THIRD SCHEDULE.

Form of Certificate of Annuity.

Derby Corporation (B) Water Annuities.

Annuity No. £

By virtue of the Derby Improvement Act, 1879, the mayor, aldermen, and burgesses of the borough of Derby (herein-after called the Corporation) do hereby certify that of is, under and subject to the provisions of that Act, entitled to an annuity, redeemable as in the said Act is provided, of charged on and issuing out of the revenues of the waterworks undertaking of the Corporation, and on and out of the district fund and general district rates for the time being of the borough of Derby, which annuity is payable to the said , his executors, administrators, or assigns, clear of all deductions (except for income tax), at

[*Here insert the names of the banks or the bankers for the time being of the Corporation*]

by equal half-yearly payments on the first day of July and the first day of January in each year, the first payment whereof is to become due and payable on the first day of July one thousand eight hundred and eighty-five.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Derby, this day of one thousand eight hundred

Entered

L.S.

Town Clerk.

THE FOURTH SCHEDULE.

Form of Transfer of Annuity.

I of , in consideration of the sum of £ paid to me by of , do hereby transfer to (herein-after called the transferee) the "A" (*or* "B," *as the case may be,*) annuity (*or* annuities) of , numbered , created under the Derby Improvement Act, 1879, and all my right and interest therein and thereto, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the same annuity [*or* annuities, *as the case may be,*] subject to the same conditions.

As witness our hands and seals, this day of one thousand eight hundred and .

L.S.

THE FIFTH SCHEDULE.

Derby Waterworks Company.

To

Take notice that you appear on the books of the Derby Waterworks Company to be the holder of shares in that Company, and that under the provisions of the Derby Improvement Act, 1879, you will be entitled to have granted to you by the Corporation of Derby an (A) annuity of £ , subject to redemption as in the said Act provided. Now, in pursuance of the eleventh section of the said Act, you are hereby required to signify in writing to the waterworks company, within fourteen days from the date hereof, whether you desire to receive cash in lieu of said £ (A) annuity, and in case of your failing so to do an (A) annuity of £ will be allotted to you in respect of your said shares.

Dated the day of 1879.

Signed on behalf of the Derby Waterworks Company,

Secretary.

THE SIXTH SCHEDULE.

CERTIFICATE OF DISEASE, &c. UNDER SECTION 93.

Derby Improvement Act, 1879.

Section 93.

To the Corporation of the Borough of Derby.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such section.

Dated the day of 18

(Signed)

Name of person suffering from the disease

Situation of the building wherein such person is

Name of occupier or other person having the charge, management, or control of the building or room

NOTE.—This certificate must (under a penalty of two pounds in case of neglect) be forthwith sent to the medical officer of the Corporation at his residence, or to the inspector of nuisances at his office, and delivered to the official, clerk, or servant who shall be found in attendance there.

THE SEVENTH SCHEDULE.

MORTGAGE OF RATES.

The Derby Improvement Act, 1879.

Mortgage No. £

By virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges, the mayor, aldermen, and burgesses of the borough of Derby, in consideration of
pounds paid to them by of ,
grant to him, his executors, administrators, and assigns, the revenues of the waterworks undertaking, and the district fund and general district rates, to hold until the said sum be repaid to him or them, with interest at the yearly rate of in the hundred, by equal half-yearly payments on the day of and the day of in

every year from the date hereof, the principal to be repaid on the day of , at the option of either party, and all payments to be made at the office of the treasurer of the borough of Derby.

Given under the seal of the mayor, aldermen, and burgesses, this day of one thousand eight hundred and .

L.S.

THE EIGHTH SCHEDULE.

FORM OF CERTIFICATE OF DEBENTURE STOCK.

Derby Corporation Debenture Stock.

Amount £

Certificate No.

Registered No.

This is to certify that of is registered in the books of the mayor, aldermen, and burgesses of the borough of Derby, in the county of Derby, as the proprietor of £ sterling Derby Corporation Debenture Stock, created by virtue of the Derby Improvement Act, 1879, bearing interest at the rate of £ per centum per annum, payable half-yearly on the day of and the day of in each year, the first payment to be made on the day of next.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Derby, in the county of Derby, this day of .

L.S.

NOTE.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange.

All certificates will bear the common seal of the Corporation.

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FORM OF TRANSFER OF DEBENTURE STOCK.

I, of , in consideration of the sum of pounds paid to me by of , do hereby transfer to (herein-after called the transferee) the sum of Derby Corporation Debenture Stock, with all interest due and to become due thereon, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I held the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the same debenture stock subject to the same conditions.

As witness our hands and seals, this day of in the year of our Lord 187 .

L.S.

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