CHAPTER cxlii.

An Act to make further and better provision in regard to the health local government and improvement of the Borough of Royal Leamington Spa and for other purposes. [20th July 1896.] A.D. 1896.

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

And whereas by indentures of lease and appointment and release dated respectively the twelfth and thirteenth days of April one thousand eight hundred and thirty-six and made between Edward Willes of the one part and the Honourable Charles Bertie Percy John Tomes Henry Christopher Wise and Joseph Vincent Barber of the other part certain lands within the borough formerly known by the name of Newbold Gardens were assured unto and to the use of the said Charles Bertie Percy John Tomes Henry Christopher Wise and Joseph Vincent Barber their heirs and assigns In trust to demise the same unto the said Edward Willes his executors administrators and assigns for the term of two thousand years without impeachment for waste at the yearly rent of a peppercorn if demanded and with a covenant to be contained in such lease against the erection by the said Edward Willes his executors administrators and assigns of any erection or buildings in any part of the said premises except such as are therein specified And after the determination in any way of the said lease on further trust to prevent from being erected any erections or buildings on the said premises except such as were to be excepted out of the said covenant And subject to the several trusts aforesaid In trust for the said Edward Willes his heirs and assigns:

And whereas by an indenture dated the fourteenth day of April one thousand eight hundred and thirty-six a lease was granted of the said premises to the said Edward Willes his executors

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administrators and assigns in accordance with the trusts of the first recited indenture :

And whereas the said Edward Willes some years since set out the land on the north side of the said gardens as building land to form a terrace called Newbold Terrace and also set out other land situate at or near the north-east corner of the said gardens to form a terrace called Newbold Terrace East and sold and conveyed various plots of the land so set out for the purpose of building thereon and in some of the conveyances of such building plots the said Edward Willes covenanted with the purchasers for the free access of such purchasers respectively and their respective heirs and assigns owners and occupiers for the time being of the houses erected or to be erected on the said plots to the walks then or thereafter to be laid out in the said gardens :

And whereas by an indenture of underlease dated the twelfth day of May one thousand eight hundred and forty-six and made between the said Edward Willes of the first part and the Right Honourable Kenelm Somerville Baron Somerville and thirty-nine other lords and gentlemen of the second part after reciting amongst other things that at a general meeting of the subscribers to a proposed testimonial to Dr. Jephson of Leamington it was agreed that the said Edward Willes should be requested to grant to the several persons parties to the now reciting indenture of the second part as trustees for the purposes of such testimonial an underlease of the said gardens and that a portion of the fund raised for the purposes of such testimonial should be expended in improving and ornamenting the said gardens as a public pleasure ground It was witnessed that the said Edward Willes did demise unto the said parties thereto of the second part the said gardens To hold the same unto the said several persons parties thereto of the second part their executors administrators and assigns thenceforth for the remainder then unexpired of the said term of two thousand years granted by the said indenture of the fourteenth day of April one thousand eight hundred and thirty-six except the last twelve months thereof at the yearly rent of thirty pounds and subject to the performance and observance of certain conditions and covenants on the part of the said parties thereto of the second part being for the purpose of devoting and preserving the lands thereby demised as ornamental gardens for the benefit of the town of Leamington as therein mentioned And in the said indenture was contained a proviso that if the said parties thereto of the second part should within ten years from the twenty-fifth day of March then last pay to the said Edward Willes his executors administrators or assigns the sum of six hundred pounds in purchase of the rent of thirty

pounds the said rent should from and after the day of payment of the six hundred pounds be reduced to the rent of a peppercorn payable if demanded And in the said indenture were contained provisions to the effect that when the number of lessees was reduced below seven the surviving lessees should nominate such number of new lessees as together with the surviving lessees should make up the number of thirty at least and the surviving lessees should surrender their lease and thereupon a new lease should be granted to the new lessees for the residue of the said term:

And whereas the last-mentioned underlease contained certain covenants on the part of the lessees with the said Edward Willes and amongst others covenants to the following effect To put into good and proper repair within the first twelve months of the said term the wall and iron palisading gates and other fences inclosing the gardens Not to erect or build on the said gardens any erections or buildings other and except such as are therein specified To permit the owners and occupiers for the time being of the houses in Newbold Terrace and Newbold Terrace East with whom or with whose predecessors in title the said Edward Willes had entered into covenants as aforesaid free access on the part of the lessees to the walks and gardens To expend all the rents and profits derived by them from the said gardens including all moneys to be produced by timber thereafter planted and all entrance fees received by them for admission into the gardens (which said entrance fees so that the same be of reasonable amount they are thereby authorised to demand from all persons other than those entitled to such free admission as aforesaid) in discharge of rents thereby made payable and in performance of the covenants therein contained and subject to such discharge and performance in repairing and beautifying and keeping in proper order the said gardens and the buildings therein and in providing attendants for the same Not to fell or cut down any of the timber at the date of the recited indenture of the twelfth of May one thousand eight hundred and forty-six growing in the same gardens unless with the consent in writing of the lessor To use the said gardens as ornamental or pleasure grounds or gardens or as botanical gardens (or if they shall think fit so to do) as grounds for public breakfasts archery meetings horticultural meetings and other meetings of a similar character or for charitable bazaars or other meetings for charitable purposes but so nevertheless that not more than twelve such breakfasts and meetings shall be held there in any one year And that no charitable bazaar or meeting for a charitable purpose shall be held without the consent in writing previously obtained of the majority of the persons for the time being assessed to the poor rate in respect of the houses in

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Newbold Terrace aforesaid And not to assign let or part with the said premises without the previous consent of the lessor And the said underlease contained a proviso for re-entry on the said premises in certain events therein specified:

And whereas the lessees named in the last-mentioned underlease out of the trust moneys in their hands put into good repair the wall and iron palisading gates and other fences inclosing the gardens and also erected and built various lodges greenhouses and other buildings in the gardens and expended more than the sum of eight hundred pounds in repairing and beautifying the gardens and in or about the month of October one thousand eight hundred and fifty-four the lessees also out of the trust moneys duly paid the said sum of six hundred pounds whereby the said rent of thirty pounds became reduced to the rent of a peppercorn payable if demanded And since the year one thousand eight hundred and forty-six the said gardens have been and are now known as the Jephson Gardens:

And whereas the number of lessees named in the said indenture of the twelfth day of May one thousand eight hundred and forty-six having been reduced below seven the survivors in accordance with the provision in that behalf contained in the last-mentioned indenture surrendered that lease and a new lease (dated the twenty-sixth day of April one thousand eight hundred and eighty-eight) was granted of the Jephson Gardens to the Right Honourable George Guy Earl Brooke and Earl of Warwick and thirty-nine other gentlemen for the residue of the said term of two thousand years less the last twelve months thereof at the annual rent of one peppercorn and upon and subject to similar covenants and conditions to those contained in the said indenture of the twelfth day of May one thousand eight hundred and forty-six:

And whereas in the year one thousand eight hundred and sixty-six the surviving lessees under the indenture of the twelfth day of May one thousand eight hundred and forty-six purchased certain lands adjoining the Jephson Gardens as an adjunct to those gardens and in furtherance of the objects and purposes of the said indenture and the purchase money of such additional lands was in fact paid by the said lessees out of moneys in their hands applicable to the said objects and purposes and such lands have since been laid out and now form part of the Jephson Gardens and are (by virtue of an indenture dated the twenty-sixth day of April one thousand eight hundred and eighty-eight) now vested in the surviving persons named as lessees in the said underlease of the same date Upon and for such trusts intents and purposes and with under and subject to such powers provisoes agreements and declarations as the lessees for the time being of the Jephson Gardens should by any deed or instrument

in writing or by any resolution passed at their meetings from time to time appoint direct or declare and in default of and until any such appointment direction or declaration In trust for the same lessees for the time being and in furtherance generally of the objects and purposes expressed and contained in the said indenture of the twenty-sixth day of April one thousand eight hundred and eighty-eight:

And whereas the Corporation are willing to undertake the management and maintenance of the Jephson Gardens and it is expedient that provision should be made for vesting the same in the Corporation for the use and enjoyment of the inhabitants of the borough subject to and in accordance with the provisions of this Act:

And whereas the council of the borough are the burial board for the borough and it is expedient that the Corporation should be empowered to provide suitable buildings with all necessary and proper furnaces and appliances for the destruction of dead human bodies by the application of heat (in this Act called a crematorium) subject and according to the provisions of this Act:

And whereas the Leamington Priors Gas Company was re-incorporated by the Leamington Priors Gas Company's Act 1865 (in this Act referred to as the Act of 1865) and were authorised to supply gas to the borough and neighbourhood:

And whereas it is expedient that the Corporation should be empowered to purchase the undertaking of the said company in the manner provided by this Act:

And whereas the Local Government Board have by order under section 33 of the Local Government Act 1894 conferred upon the council of the borough the power of appointing overseers for the parishes of Leamington Priors Lillington and New Milverton within the borough and it would greatly tend to the economical and efficient collection of all local rates and charges if such collection were made by one set of officers appointed by the Corporation as by this Act provided:

And whereas it is expedient that better provision should be made with reference to streets buildings and sewers within the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough should be enlarged:

And whereas the unrepealed portions of the local Acts and Orders set forth in the First Schedule to this Act are in force within the borough and it is expedient to amend the same as by this Act appears:

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And whereas it is expedient that the Corporation should be empowered to borrow money for the purchase of the said gas undertaking:

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

And whereas plans showing the lands proposed to be taken under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Warwick and are in this Act referred to as the deposited plans and book of reference respectively:

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

And whereas such resolution was published twice in the said Leamington Advertiser and has received the approval of the Local Government Board:

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

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

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

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Leamington Corporation Act 1896.

Division of Act into parts.

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

Part I.—Preliminary.
Part II.—Jephson Gardens and Recreation Grounds.
Part III.—Streets Buildings and Sewers.
Part IV.—Sanitary Provisions.
Part V.—Infectious Diseases.
Part VI.—Crematorium.
Part VII.—Common Lodging-houses.
Part VIII.—Slaughter-houses.
Part IX.—Water.
Part X.—Gas.
Part XI.—Police Provisions.
Part XII.—Street Advertisements.
Part XIII.—Financial Provisions.
Part XIV.—Miscellaneous Provisions.

Interpretation of terms.

3. In this Act unless the context otherwise requires—

"The borough" means the borough of Royal Leamington Spa;

"The Corporation" means the mayor aldermen and burgesses of the borough of Royal Leamington Spa;

"The council" means the council of the borough;

"The mayor" "the town clerk" "the surveyor" "the medical officer of health" "the borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the mayor town clerk surveyor medical officer of health borough fund borough rate district fund and general district rate of the borough;

"The Jephson Gardens" means the lands vested in the Corporation under the section of this Act with the marginal note "Jephson Gardens to vest in the Corporation";

"The Jephson Gardens trustees" means the surviving lessees and trustees named in the two recited indentures of the twenty-sixth day of April one thousand eight hundred and eighty-eight;

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression "sky sign" shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement

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on over or above any house building structure or erection of any kind or on or over any street or public way but shall not be deemed to include—

(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;

(2) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

(3) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

"Dairyman" means any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction therefor;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security not being annuities authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation and securities transferable by delivery:

Unless the subject or context otherwise requires the words and expressions to which meanings are assigned by the Public Health Act 1875 and the Public Health Acts Amendment Act 1890 have in this Act the same respective meanings:

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act shall be

read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Commencement execution and limits of Act.

4. This Act shall come into operation on the first day of November one thousand eight hundred and ninety-six (which date is herein-after referred to as the commencement of this Act) and this Act shall be carried into execution by the Corporation acting by the council and shall unless otherwise expressed or implied apply only to the borough.

PART II.—JEPHSON GARDENS AND RECREATION GROUNDS.

Jephson Gardens to vest in the Corporation.

5.—(1) On and after the commencement of this Act the lands shown on the deposited plans and coloured green (including both the freehold and leasehold interests therein) together with all buildings greenhouses bedding and other plants implements and effects in or upon the said lands and belonging to the Jephson Gardens trustees shall by virtue of this Act and without conveyance vest in the Corporation who shall hold preserve and maintain the lands as ornamental pleasure grounds or gardens for the benefit of the borough.

(2) The lands by this section vested in the Corporation are and shall hereafter be called the Jephson Gardens.

(3) All persons entitled to any beneficial estate or interest in the Jephson Gardens who shall suffer loss by reason of the vesting of those gardens in the Corporation under the provisions of this Act shall be entitled to compensation and such compensation shall be paid by the Corporation and the amount thereof in default of agreement shall be settled in accordance with the provisions of the Lands Clauses Acts.

(4) From and after the commencement of this Act the trustees named in the recited indentures of the twelfth and thirteenth days of April one thousand eight hundred and thirty-six and the Jephson Gardens trustees shall be released from all trusts covenants obligations and liabilities under or in respect of the recited indentures of the twelfth and thirteenth days of April one thousand eight hundred and thirty-six and the two indentures of the twenty-sixth day of April one thousand eight hundred and eighty-eight respectively.

(5) The Corporation may if they think fit improve embellish and lay out the Jephson Gardens and may plant trees shrubs and plants and fell cut lop and remove the same or any other trees shrubs or plants for the time being in those gardens.

(6) No building shall be erected or maintained in any part of the Jephson Gardens other than the buildings now existing therein

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and such other buildings of a similar character as may be requisite in connexion with the convenient use and maintenance of the gardens as by this Act directed.

(7) The Corporation may if they think fit charge a sum not exceeding one penny per day for each person and not exceeding twenty shillings per year for each family for admission to the Jephson Gardens Provided that subject to the provisions of section 44 of the Public Health Acts Amendment Act 1890 the Jephson Gardens shall be open to the public free of charge for at least three days (of which Sunday shall be one) in every week.

(8) Subject to the provisions of this section the provisions of the Public Health Acts relating to parks and pleasure grounds and this part of this Act shall apply to the Jephson Gardens.

Corporation may erect conservatories and other buildings.

6.—(1) The Corporation may erect maintain furnish and equip and may remove conservatories refreshment rooms and other buildings and conveniences in any public park or pleasure or recreation ground which may be required or convenient for the purposes of such park or pleasure or recreation ground and the public resorting thereto.

(2) The Corporation may purchase or hire lands for the erection thereon of and may erect maintain furnish and equip and may remove reading rooms and assembly rooms and may charge for admission thereto or in respect of the use thereof or of any part or parts thereof.

Power to Corporation to let refreshment rooms &c.

7. The Corporation may let any refreshment rooms with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

Corporation may let assembly rooms &c.

8. The Corporation may from time to time let any reading rooms or assembly rooms belonging to them for the purposes of particular meetings or entertainments.

Power to set apart lands for games.

9. The Corporation may from time to time set apart portions of any park or pleasure or recreation ground for the time being belonging to or held by them for cricket football archery lawn tennis and other games but so that the same shall be open to the public when not in use for such games and the Corporation may make byelaws for regulating the use of the portions of the park or place so set apart.

Power to provide apparatus for games.

10. The Corporation may provide apparatus for games and recreation for the use of the public frequenting the public parks and pleasure and recreation grounds and may charge for the use

thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Corporation may make byelaws with respect to the use and the payment for the use of such apparatus.

Band of music.

11. The Corporation may from time to time pay or contribute towards the payment of a band of music to perform in any park or pleasure or recreation ground or building for the time being belonging to or held by the Corporation as they may prescribe and the Corporation may inclose a small area within which such band shall play and may make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within the said inclosure and for securing good and orderly conduct during the playing of the band but no payment shall be made in respect of any such inclosure in the Pump Room Gardens Provided that the payments or contributions of the Corporation for or towards such band shall be paid out of the district fund and general district rate and shall not in any one year exceed the rate of one penny in the pound of the assessable value of the borough.

Chairs and seats for public use.

12. The Corporation may from time to time place or authorise any person or persons to place seats or chairs in any street park pleasure or recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats and chairs and for preventing injury or damage thereto.

Recreation grounds to be deemed public place and street for certain purposes.

13. The public parks pleasure and recreation grounds within the borough shall for the purposes of the Vagrancy Act 1824 be deemed to be a public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences :—

Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution ;

Every person who wilfully and indecently exposes his person ;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language ;

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire ;

Every person who throws or lays any dirt litter or ashes or night-soil or any carrion fish offal or rubbish on any street.

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Power to Corporation to appoint officers.

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

Application of moneys received from admission to recreation grounds.

15. The moneys received from the admission of any persons to the Jephson Gardens or any public park or pleasure or recreation ground or any inclosure therein or from the letting of any refreshment rooms or other buildings shall after providing for the maintenance of the gardens public parks and pleasure and recreation grounds or any of them be carried to the district fund.

PART III.—STREETS BUILDINGS AND SEWERS.

Deposit of plan to be void after certain interval.

16. The deposit with the Corporation of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

As to plans deposited after the commencement of this Act within three years from the date of such deposit; and

As to plans deposited before the commencement of this Act within three years from the commencement of this Act:

And at the expiration of those respective periods fresh notice and deposits shall unless the Corporation otherwise determine be requisite.

Byelaws as to plans deposited with the Corporation.

17. The Corporation may make byelaws with reference to the retention by them of drawings plans sections specifications and written particulars descriptions or details deposited with the Corporation in pursuance of any enactment for the time being in force in the borough or any byelaw thereunder.

Power to vary position or direction of new streets.

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

Intersecting streets.

19. No new street shall unless the Corporation otherwise allow be laid out more than one hundred and fifty yards in length without an intersecting street.

Corporation may define future line of streets.

20.—(1) Where any street in the borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter

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

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

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land or building for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the Corporation requiring the said line to be observed and kept.

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

Fencing of vacant lands.

21. Where any vacant or waste lands adjacent to any street are in a state to cause a nuisance or danger to the public the Corporation may serve a notice on the owner or occupier requiring him within a time thereby limited to effectually fence the same and if the owner or occupier fails to comply with the requisitions of the notice or to keep such lands effectually fenced the Corporation may cause such lands to be effectually fenced or the fences thereof to be repaired and may recover the expenses so incurred summarily as a civil debt or in any court of competent jurisdiction from the person making default.

No buildings allowed until street defined.

22. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation

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to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Crossings for horses or vehicles &c. over footways.

23. Every person desirous of forming a communication for horses cattle or vehicles across any footway so as to afford access to any premises from a street shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of the necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise.

If any person drives or permits or causes to be driven any horse cattle or vehicle across any footway before such a communication has been made or on or along any part of any such footway other than the part over which such communication has been made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby occasioned.

Dangerous places to be repaired or inclosed.

24. With respect to the repairing or inclosing of dangerous places the following provisions shall have effect (namely):—

(1) If any building wall steps structure or other thing or any well excavation or reservoir pond stream or dam or bank or any land or place is in the opinion of the Corporation for want of sufficient repair protection or inclosure dangerous to the occupiers thereof or to the neighbouring buildings or to the passengers along any street or footpath the Corporation may order the owner within the period specified in such order to repair remove protect or inclose the same so as to prevent any danger therefrom:

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Corporation may cause such works as they think proper to be done for effecting such repair removal protection or inclosure and the expenses thereof shall be payable by the owner and may be recovered summarily unless the court of summary jurisdiction or the court of quarter sessions on appeal shall be of opinion under the circumstances of the case that such expenses should be borne by the Corporation.

Corporation may declare where streets begin and end.

25. The Corporation may by order declare the limits at or within which any street is to be taken as beginning or ending.

Trees or shrubs overhanging streets.

26. Where any tree hedge or shrub overhangs any public street so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance with the notice may themselves carry out its requisitions doing no unnecessary damage.

Restrictions on deposit of building materials and excavations.

27. It shall not be lawful for any person without the consent of the Corporation first obtained which consent shall not be unreasonably withheld to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding forty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily And section 106 of the local Act 6 Geo. 4 cap. cxxxiii. is hereby repealed.

What to be deemed new buildings.

28. From and after the commencement of this Act—

The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings

shall for all the purposes of this Act and the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a new building and the word "building" shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

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Charge for emptying privies of trade rubbish.

29. If any trade refuse or any building materials or other materials or rubbish of a like description be deposited in any privy cesspool ash-pit or ash-tub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered summarily.

Summary power to provide sinks and drains for buildings.

30. In addition to all other powers vested in the Corporation the Corporation if it shall appear to them on the report of the surveyor or medical officer of health that any building whether built before or after the passing of this Act is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such building may give notice in writing to the owner or occupier of such building requiring him in the manner and within the time to be specified in such notice to provide such sink drain or other appliances and if such owner or occupier shall make default in complying with such requirement to the satisfaction of the Corporation within the time specified in such notice he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and in case of default the Corporation may if they think fit themselves provide such sink drain or other appliances and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier and may be recovered summarily.

Water or stack pipes not to be used as ventilating shafts.

31. No water pipe or stack pipe for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain which communicates or which is intended to communicate with any sewer of the Corporation.

Exemption of Government property from building regulations.

32. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Exemption of buildings of railway companies.

33. Nothing in this part of this Act or in any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

PART IV.—SANITARY PROVISIONS.

Owners &c. to permit application of tests to drains.

34. Whenever the medical officer of health or surveyor has reasonable grounds for believing that the drains connected with any house or building are defective so as to cause risk to health he may after twenty-four hours notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such house or building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply such test as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings If the drains be found defective so as to cause risk to health the owner or occupier of the premises shall be bound on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the work and recover the expenses thereof from the owner or occupier in a summary manner or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts but nothing in this section shall affect contracts between owners and occupiers.

Provisions as to filling up cesspools &c.

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

If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the

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requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

Urinals to be attached to refreshment houses &c.

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

Public conveniences and lavatories.

37. The powers of the Corporation under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain sanitary conveniences under any street and to provide and maintain lavatories in or under any street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than a urinal) or of any lavatory so provided and the Corporation may make bye-laws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same.

PART V.—INFECTIOUS DISEASES.

Dairymen to furnish lists of customers in certain cases.

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

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

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

Medical officer may require dairymen to furnish lists of sources of their supply of milk.

40. If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every dairyman supplying milk to the person so suffering or to the house of which he is an inmate to furnish the medical officer of health with a list of all the farms dairies or places from which such dairyman derives his supply of milk or from which he has derived his supply during the last six weeks and every such person failing to comply with such requirement shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Section 124 of Public Health Act to apply to persons who cannot be isolated.

41. Section 124 of the Public Health Act 1875 shall extend and apply to all cases of persons suffering from any infectious disease and being in or upon any house or premises where such person cannot be effectually isolated so as to prevent the spread of the disease.

Corporation may provide nurses.

42. The Corporation may if they think fit from time to time provide or contract with any person to provide nurses for attendance on any person suffering from infectious disease within the borough and may charge a reasonable sum for the service of any nurse so provided.

Public notice to be given of provisions of this part of Act.

43. Public notice of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulated in the borough and by a notice affixed outside the Town Hall of the borough and by such further means as the Corporation deem reasonable for conveying notice of the provisions of this part of this Act to persons affected or

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likely to be affected thereby A copy of the newspaper containing the advertisement shall be conclusive evidence that public notice of this part of this Act has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement.

PART VI.—CREMATORIUM.

Power to establish crematorium.

44.—(1) The Corporation may in a convenient and proper place in any existing cemetery belonging to them (whether as the Burial Board or otherwise) set apart for and build provide fit up equip and maintain a crematorium proper and sufficient for the cremation of human remains but so as not to create or permit a nuisance.

(2) No cremation of human remains shall take place in any crematorium of the Corporation until the plans of such crematorium have been approved of by a Secretary of State.

(3) The Corporation shall prepare byelaws as to cremation and submit them to a Secretary of State and the Secretary of State may approve of such byelaws with or without modifications and after having approved of such byelaws he may at any time require them to be submitted to him for revision or modification.

(4) The byelaws shall prescribe in what cases in what mode and under what conditions cremations may take place and they may prescribe the forms of the certificates and declarations to be given or made before a cremation is permitted to take place and such declarations shall be made under and by virtue of the Statutory Declarations Act 1835 and such certificates shall be confirmed by a declaration made under and by virtue of the same Act.

(5) Every person who shall contravene any such byelaws or shall wilfully carry out or procure or take part in the cremation of any human remains in such crematorium except in accordance with such byelaws shall (in addition to any liability or penalty which he may otherwise incur) be liable on summary conviction to a penalty not exceeding fifty pounds.

(6) Every person who shall wilfully make any false declaration or representation or sign or utter any false certificate with a view to procuring the cremation of any human remains in such crematorium shall (in addition to any penalty or liability which he may otherwise incur) be liable on summary conviction to a fine not exceeding fifty pounds.

(7) The Corporation may demand payment of any such charges or fees for such cremation as may be authorised by any table approved by a Secretary of State and such charges or fees shall be deemed to be a debt due to the Corporation from the estate of the deceased.

(8) Any expenses incurred by the Corporation under this section shall be payable out of the borough fund or rate.

(9) Nothing in this section shall interfere with the jurisdiction of any coroner and jury under the Coroners Act 1887 or any Act amending the same.

PART VII.—COMMON LODGING-HOUSES.

Regulations as to common lodging-house keepers.

45. The keeper of every common lodging-house shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be. If any keeper of a common lodging-house offends against this enactment he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

46. Every common lodging-house whether registered before or after the passing of this Act shall to the satisfaction of the Corporation be provided with sufficient sanitary conveniences having regard to the number of lodgers who may be received in such common lodging-house and all waterclosets and urinals shall be provided with a proper water supply laid on for flushing purposes Any keeper of a common lodging-house who shall make default for twenty-eight days in complying with a notice from the Corporation requiring him to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Power to refuse registration of common lodging-house keepers.

47. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position Any person aggrieved by such refusal may appeal to a court of summary jurisdiction after the expiration of two clear days from such refusal provided he give twenty-four hours notice of such appeal and the grounds thereof to the town clerk and the court shall have power to award costs such costs to be recoverable in like manner as a penalty under this Act.

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Notice to common lodging-house keepers.

48. Notice of the provisions of this part of this Act shall be served upon the keeper of every common lodging-house either personally or by leaving the same at the common lodging-house.

PART VIII.—SLAUGHTER-HOUSES.

Slaughtering prohibited except in Corporation slaughter-houses when provided.

49. After the Corporation shall have provided adequate slaughter-houses and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle horse sheep or pig within a mile of the new town hall of the borough except in such slaughter-houses If any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds:

Provided that the Corporation shall make compensation to the owner and occupier of any registered slaughter-house within the said limit who shall be injuriously affected by the exercise of the prohibition in this section contained:

Provided also that nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Board of Agriculture made or granted thereunder.

PART IX.—WATER.

Rates for supply of water for domestic purposes.

50. The Corporation may in lieu of charging a water rate under section 56 of the Public Health Act 1875 charge in respect of a supply of water for domestic purposes to any dwelling-house or part of a dwelling-house at a uniform rate not exceeding four pounds per centum per annum upon the rateable value of the premises supplied.

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

Rates for baths.

51. In addition to the foregoing charges the Corporation may charge for every fixed bath capable of containing not more than fifty gallons a sum not exceeding seven shillings and sixpence per annum such additional sum to be paid quarterly in advance and

to be recoverable in all respects with and as the water rate Provided that the Corporation shall not be compelled to supply any bath capable of containing when filled for use more than fifty gallons.

Byelaws for preventing waste &c. of water.

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

(1) The Corporation may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination:

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

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

Recovery of meter supply summarily.

53. The Corporation may recover moneys payable to them in respect of water supplied by meter in any court of summary jurisdiction.

Injuring meters &c.

54. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity

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of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation or the punishment of the offender) for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also until the matter complained of has been remedied but no longer discontinue the supply of water to the person so offending (notwithstanding any contract previously existing) and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings Provided that the Corporation shall not under the provisions of this section discontinue to supply water for domestic purposes to any person entitled to a supply for such purposes.

Power to Corporation to supply fittings and materials.

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

Corporation not bound to supply except by meter where part of building used for trade.

56. The Corporation shall not be bound to supply water otherwise than by meter to any building used as a dwelling-house whereof any part is used for any trade or manufacturing purpose for which water is required provided that the charge for such supply shall not exceed ninepence per thousand gallons.

Notice of discontinuance.

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

Public drinking fountains.

58. The Corporation may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for the watering of cattle horses and other animals at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply in such public places as the Corporation may think fit Provided that no fountain or trough shall be put up against any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof Any person who wilfully uses any water so gratuitously supplied elsewhere or otherwise than as herein-before mentioned shall be liable to a penalty not exceeding forty shillings.

Rate payable by owners of small houses.

59. Where the annual value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or 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 the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Application of water revenue.

60. The Corporation shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First.—In payment of the working and establishment expenses and cost of maintenance of their water undertaking ;

Secondly.—In payment of the interest on moneys borrowed before the passing of this Act by the Corporation or by the Leamington Priors Local Board of Health or by the local boards for the districts of Milverton and Lillington for waterworks purposes ;

Thirdly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed before the passing of this Act by the Corporation or the said local boards for waterworks purposes ;

Fourthly.—In payment of the interest on moneys which may hereafter be borrowed under the Public Health Acts for waterworks purposes and in providing the requisite instalments or sinking fund payments in respect thereof ;

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Fifthly.—In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in any statutory securities and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the revenue 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 and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens:

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to five thousand pounds.

As to deficiency in receipts.

61. Any deficiency in the revenue of the Corporation on account of their water undertaking may be from time to time made good out of the first general district rate made after each such deficiency is ascertained.

PART X.—GAS.

Company to sell their undertaking on requisition of Corporation.

62. The Corporation may at any time within three years after the commencement of this Act by writing under their common seal addressed and sent to the secretary or delivered at the principal office of the Leamington Priors Gas Company (in this part of this Act called the company) require the company to sell their undertaking property rights powers and privileges to the Corporation and thereupon the company shall sell to the Corporation and the Corporation shall purchase from the company their undertaking property rights powers and privileges as the same exist at the time of purchase for such consideration (being a sum in gross and not by way of annuity) and on such terms as the company and the Corporation agree or in default of agreement as may be settled by arbitration in the manner provided by the Lands Clauses Acts for settling cases of disputed compensation And in the construction of the provisions of those Acts the expression "the promoters of the undertaking" shall mean the Corporation and the expression "lands" shall mean the undertaking of the company.

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Transfer of undertaking &c. by deed.

63. The sale of the company's undertaking shall be carried into effect by a deed duly stamped and truly stating the consideration (which deed may be in the form set forth in the second schedule to this Act or to the like effect with such variations and additions as the circumstances require) and on the execution of the deed by the company and upon payment of the consideration money by the Corporation their undertaking with their rights powers and privileges shall by virtue of the deed and of this Act become and shall thenceforth be transferred to and vested in the Corporation subject and according to the provisions of the deed and this Act and thenceforth the Corporation in their own name and for their own benefit shall have and hold the undertaking and such transfer and vesting is in this Act referred to as "the transfer."

Conditions affecting the sale.

64. The powers of the Corporation under this part of this Act shall be subject to the following conditions viz.:—

(1) The authorised reserve fund or such part thereof as the company shall desire to be withdrawn from the purchase shall remain the property of the company and shall be available for compensating such of the directors officers and servants of the company as the shareholders shall by resolution determine but in valuing the undertaking the arbitrators or umpire shall take into consideration the reserve fund or part thereof so withdrawn from the purchase:

(2) The purchase money shall include a reasonable sum to cover the costs and expenses of the company in winding up their affairs as provided by this Act:

(3) The purchase money or any part thereof may if so agreed between the Corporation and the company be discharged by the issue to the company or their nominees of securities issued by the Corporation under the powers of this Act and the issue of any such securities shall be deemed to be a payment of consideration money:

(4) The Corporation shall afford to the directors or officers of the company free access to any books papers and documents of the company which may be handed over to the Corporation on completion of the transfer for any purpose connected with the winding up of the company's affairs under this Act.

Pending actions &c. against the company.

65. If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against or in favour

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of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the company if this Act had not been passed but not further or otherwise.

Contracts of company to be binding on Corporation.

66. All agreements contracts conveyances deeds and other instruments affecting the company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Receipt of three directors for purchase money.

67. The receipt in writing of three directors of the company for the purchase money or any part thereof shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss misappropriation or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the amount payable under this Act into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened "In the matter of the Leamington Corporation Act 1896" and a receipt shall be given to the Corporation by the cashier of the said bank for the said sum which shall have the same effect as the receipt of such three directors.

Application of purchase money.

68. The company shall hold the purchase money of their undertaking in trust to distribute the same amongst the shareholders of the company and for the purpose of such distribution the several persons whose names shall appear in the books of the company at the date of the transfer to be the proprietors of shares therein unless the contrary be proved to the satisfaction of the directors shall be considered to be shareholders of the company and the receipt in writing of the proprietors of shares in the capital of the company or of the executors or administrators of a deceased proprietor or of the guardian or committee of the estate of any shareholder of the company who shall be a minor idiot or lunatic shall effectually discharge the company and the directors thereof from the money therein expressed to be received and from any obligation affecting the share or interest in respect whereof that money is paid.

Payment into Court by directors.

69. Where the directors of the company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom part of the purchase money of the undertaking of the company is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the

same into the Supreme Court or if not exceeding five hundred pounds into the county court of Warwickshire holden at Warwick under any Act for the time being in force for the relief of trustees and every such payment shall conclusively discharge the company and directors from all further liability with respect to the money so paid.

Winding-up and dissolution of company.

70. The affairs of the company shall so soon as conveniently may be after the transfer be wound up and for that purpose the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for winding up the affairs of the company and when and so soon as the assets of the company have been distributed and their affairs have been wound up the company shall be by virtue of this Act dissolved.

If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors may from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

Company's debts to be paid and received.

71. All debts rents charges and sums of money including the mortgage debt of the company which at the time of the transfer are due or owing to or from the company shall unless otherwise agreed be paid discharged settled and satisfied or received by the Corporation Provided that if the said purchase is made subject to the payment off by the Corporation of the mortgage debt of the company the Corporation shall discharge the whole of such debt within the period prescribed by this Act for the discharge of borrowed money for the purchase of the gas undertaking and such mortgage debt until discharged shall be deemed part of the moneys borrowed for such purchase.

Books &c. to remain evidence.

72. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Application of company's Acts to Corporation.

73. From and after the transfer all the powers authorities rights and privileges of the company under the Act of 1865 shall by virtue of this Act be transferred to and vested in the Corporation and that Act shall be read and have effect as if the Corporation had been therein named instead of the company subject nevertheless and according to the following exceptions and provisions (that is to say):—

(1) The provisions of the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863 incorporated with the Act of 1865 shall not apply to the Corporation:

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(2) The provisions of the Gasworks Clauses Act 1847 incorporated with the Act of 1865 with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and section 38 relating to accounts shall not apply to the Corporation:

(3) None of the provisions of the Act of 1865 or of any of the Acts incorporated therewith in any manner relating to the constitution the capital or the dividends or the application of the profits of the company shall apply to the Corporation:

(4) The Gasworks Clauses Act 1871 (except section 7 relating to shareholders section 8 relating to the appointment of a receiver and section 35 relating to accounts) shall apply to the gas undertaking of the Corporation:

(5) With reference to section 11 of the Gasworks Clauses Act 1871 the prescribed pressure shall be such as to balance a column of water from midnight to sunset not less than six tenths of an inch and from sunset to midnight not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under the said Act may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street vested in or under the control of any local or road authority and the provisions of the said Act with reference to testing of gas and penalties shall mutatis mutandis apply to such testing of pressure and two hours previous notice shall be given to the Company of the time and place at which such testing shall be conducted:

(6) With reference to section 12 and Schedule A. of the Gasworks Clauses Act 1871 the prescribed number of candles shall be sixteen and the prescribed burner shall be Sugg's London argand burner No. 1 with a six inch by one and three-quarter inch glass chimney but if at any time and so long as the gas flame rises above the top of that glass a six inch by two inch chimney shall be used or any other burner or chimney approved for this purpose by the Board of Trade:

(7) With reference to section 28 of the Gasworks Clauses Act 1871 the prescribed place for testing gas shall be some part of the gasworks of the Corporation and the prescribed time shall be one month after the transfer.

Powers as to construction and maintenance of gasworks &c.

74. From and after the transfer and subject to the provisions of this Act the Corporation may from time to time maintain alter improve enlarge extend and renew or discontinue the existing

gasworks upon the lands on which the same are erected or any part thereof and they may also erect lay down provide and from time to time maintain alter improve enlarge extend and renew or discontinue additional and other gasworks retorts gasometers receivers drains sewers mains pipes meters lamps lamp-posts burners stop-cocks machinery and other works and apparatus and conveniences and may subject to the provisions of this Act do all such acts as they may think proper for making and storing gas and for supplying gas within the limits of the Act of 1865 and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar pitch asphaltum ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and also meters fittings tubes pipes and other articles and things in any way connected with gasworks or with the supply of gas as they may from time to time think fit Provided that the Corporation shall not manufacture gas or the residual products arising from the manufacture of gas or store gas except upon the lands described in section 44 of the Act of 1865.

Application of gas revenue.

75. From and after the transfer the Corporation shall apply all money from time to time received by them in respect of their gas undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First.—In payment of the working and establishment expenses and cost of maintenance of their gas undertaking;

Secondly.—In payment of the interest on the mortgage debt of the company until redeemed;

Thirdly.—In payment of the interest on moneys borrowed by the Corporation under this Act for gas purposes;

Fourthly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Corporation for gas purposes;

Fifthly.—In providing a reserve fund for their gas undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in any statutory securities and accumulating the same at compound interest until the fund so formed amounts to ten thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the revenue of the Corporation from their gas undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect

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of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of ten thousand pounds and so from time to time as often as such reduction happens:

And the Corporation shall carry to the district fund so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on their gas undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when such fund amounts to ten thousand pounds.

As to deficiency in gas receipts.

76. Any deficiency in the revenue of the Corporation on account of their gas undertaking may be from time to time made good out of the first general district rate made after each such deficiency is ascertained.

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

77. If at any time after the transfer any district council whose district is beyond the borough but within their limits for the supply of gas shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the gasworks and plant of the Corporation as is contained within the district of any such district council 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 gasworks and plant of the Corporation (except the mains and pipes or other apparatus which shall be necessary for supplying with gas any other parts of the limits of the Corporation for the supply of gas) and to supply gas within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Corporation shall sell and such district council shall purchase the portion of the gasworks and plant of the Corporation (except as aforesaid) within the district of such district council 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 money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Corporation to supply gas within such district shall cease and determine The purposes of this section if effected otherwise than by Act of Parliament shall be deemed to be purposes of the Public Health Act 1875 and the provisions of that Act shall be available to the district council accordingly.

PART XI.—POLICE PROVISIONS.

Street musicians to depart when required to do so.

78. 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.

Prohibition of persons assembling in streets for betting.

79. Any three or more persons assembled in any 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 forty shillings.

Penalty on persons obstructing footway.

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

Notice of procession to be given.

81. Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and the route proposed to be taken and of the time at which it will take place to the mayor by leaving such notice at the police station twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Captain of fire brigade to have control of operations.

82.—(1) The captain or superintendent of the fire brigade acting under the authority of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire whether by the fire brigade of the Corporation or any other fire brigade including the fixing of the positions of fire-engines and apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining premises against which the water is to be directed.

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(2) Such captain superintendent or other officer in charge shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing any fire or for the safety or protection of life or property.

Power to police constable &c. to enter and break open premises in case of fire.

83. Any police constable acting under the orders of his superintendent or inspector and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any buildings or lands adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as he may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

PART XII.—STREET ADVERTISEMENTS.

Prohibition of sky signs.

84. After the passing of this Act it shall not be lawful to erect or fix upon or in connexion with any building or erection any sky sign and if any sky sign be erected contrary to the provisions of this Act it shall be lawful for the Corporation to take down and remove the sky sign and to recover the expenses in relation thereto summarily as a civil debt Any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Restriction on advertising vehicles and hoards.

85.—(1) It shall not be lawful to use in any street any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit Any person aggrieved by the refusal of the Corporation to grant such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours notice of such appeal and the grounds thereof to the town clerk and the court shall have power to award costs such costs to be recoverable in like manner as a penalty under this Act.

(2) Every hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining any street shall be securely erected to the satisfaction of the Corporation.

(3) It shall not be lawful after the commencement of this Act to erect any hoard or similar structure to be used either partly or wholly for advertising purposes in or abutting on or adjoining

any street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoard as the Corporation may determine.

(4) The owner or other person using any hoard wall or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition to the satisfaction of the Corporation and in the event of any nuisance being created in any street by reason of the falling off of any papers affixed for advertising purposes to such hoard wall or other structure shall forthwith remove and clear away such papers.

(5) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Provided always that this section shall not apply to any hoard or advertisement affixed to any railway station or premises of any railway company for the purposes of any such company.

PART XIII.—FINANCIAL PROVISIONS.

Power to borrow.

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

(1) For the purchase of the undertaking of the Leamington Priors Gas Company any sum not exceeding the amount of the purchase money together with the amount of any mortgage debt of the company taken over by the Corporation :

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

And the Corporation may with the approval of the Local Government Board borrow such further moneys as the Corporation may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards the purpose (1) the district fund and general district rate and the revenue of the gas undertaking of the Corporation and as regards the purpose (2) the borough fund and rate and as regards any money borrowed with the approval of the Local Government Board such fund rate or revenue as they may prescribe.

Mode of raising money.

87. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the

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issue of debentures under and subject to the provisions of the Local Loans Act 1875 or by the issue of stock if and when they shall be authorised to issue stock or partly in one way and partly in another Provided that the Corporation shall not invest any moneys standing to the credit of any sinking fund in their own securities or in securities transferable by delivery and the provisions of this Act in regard to the formation of sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

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

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

Provisions of Public Health Act as to mortgages to apply.

89. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage;
Section 237. Register of mortgages;
Section 238. Transfer of mortgages;
Section 239. Receiver may be appointed in certain cases.

Periods for payment off of money borrowed.

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

As to moneys borrowed for the purpose (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within the limit there prescribed within forty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (2) in the said section mentioned within five years from the date or dates of the borrowing of the same;

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

Mode of payment off of money borrowed.

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

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act:—

(A) The Corporation in every year shall appropriate and set apart out of the funds rates and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate (in this section referred to as the prescribed rate) not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period:

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any statutory security and if and as often as the rate of interest produced by the investments is not equal to the prescribed rate any deficiency arising thereby shall be made good out of the respective funds or rates which are liable to contribute to the sinking fund:

(C) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate:

(D) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be so paid thereto.

Power to reborrow.

92. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time reborrow the same but all moneys so reborrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the

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Corporation with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Protection of lender from inquiry.

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

Application of money borrowed.

94. Moneys borrowed or raised by the Corporation under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Saving for existing charges.

95. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Corporation subsisting at the passing of this Act and every mortgagee 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 revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Power to lend to guardians school board and hospital.

96.—(1) The Corporation may from time to time if they think fit by resolution determine that any sum or sums which the Warwick Board of Guardians the Leamington School Board or the Warwick Joint Hospital Board (each of which authorities is herein-after referred to as the borrowing authority) may be by law authorised to borrow or reborrow upon the security of any rates or funds and which the borrowing authority may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly.

(2) Any sum which the Corporation shall resolve to lend as aforesaid may be borrowed in the same manner as money authorised to be borrowed under this Act and shall be charged upon the borough fund and borough rate.

(3) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or reborrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined.

(4) If any sum payable to the Corporation for principal in respect of any sum lent to a borrowing authority shall not be received within six months of the time appointed for the payment thereof a

like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the loans fund as herein-after provided by this section the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

(5) Every sum so borrowed by the Corporation shall be repaid by them within a period to expire not more than one year after that for which the same was lent by them to the borrowing authority.

(6) All sums received from any borrowing authority for interest shall be paid into the borough fund or in case the moneys lent by the Corporation shall have been raised by the issue of stock the interest shall be paid into the loans fund.

(7) All sums received from any borrowing authority for principal and all sums set apart out of the borough fund under subsection (4) of this section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

(8) If any doubt shall arise as to how much of any sum received by the Corporation from any borrowing authority is to be regarded as principal or interest the question shall be determined by the Local Government Board.

(9) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by a statutory declaration if so required by them showing for the year next preceding the making of such return the amounts which have been received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion

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of the investment 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 his failing to make such return such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest as required by subsection (7) of this section any sum by that subsection required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Annual return to Local Government Board.

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

If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking

fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Expenses of execution of Act.

98. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and rate or district fund and general district rate as the Corporation may in their discretion having regard to the objects of the expenditure deem just.

Sinking fund may be invested in statutory securities.

99. All moneys for the time being standing to the credit of any sinking fund formed by the Corporation under the provisions of the Public Health Acts or any other public general or local Act in force within the borough may be invested in statutory securities.

Collection of local rates.

100.—(1) The Corporation may appoint and remove officers to collect the poor rate borough rate general district rate water rate and any other rates leviable by the Corporation or by the overseers of the parishes situate within the borough and any other officers necessary for the discharge or to assist in the discharge of the duties of overseers of the said parishes and the salaries and expenses of such officers shall be paid out of the poor rate and other local rates in such proportions as the Corporation shall determine.

(2) From and after the appointment by the Corporation of officers for the collection of the poor rate the powers and duties of any assistant overseer or collector appointed by the Warwick Board of Guardians shall cease in respect of the parishes within the borough.

(3) The Local Government Board may prescribe a form of rate to include the poor rate borough rate general district rate water rate or any other rate and they may in respect of such rates prescribe a form of demand note receipt and other necessary documents in respect of such rates and any form so prescribed shall be sufficient in law.

(4) The powers of the vestries of the parishes within the borough under sections 3 and 4 of the Poor Rate Assessment and Collection Act 1869 shall be transferred to and may be exercised by the Corporation.

(5) Nothing in this section shall apply to the revoking of the appointment of any person now holding office as assistant overseer

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or collector of poor rates of or for any parish within the borough and every such assistant overseer or collector of poor rates shall continue to hold office upon the same terms as at present.

Power to grant gratuities in certain cases.

101.—(1) The Corporation may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of such officer or servant shall have been charged or paid if he had continued in his office or service.

Limit of library rate extended.

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

PART XIV.—MISCELLANEOUS PROVISIONS.

Telegraphic &c. communication between offices of Corporation.

103. The Corporation may from time to time provide and maintain between any two or more of the following places that is to say any of their public offices or other establishments and premises in the exclusive occupation of the Corporation whether within or outside the borough the stations of the borough fire brigade or of any volunteer fire brigades and the private residences of the officers and firemen of such brigades such telegraphic or telephonic communication as they may deem fit but such communications shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1892 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Corporation as if the Corporation were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Corporation to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management.

Appropriation of lands for purposes of Act.

104. The Corporation may subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of

this Act any lands for the time being vested in them as a municipal authority or district council which are not wanted for the purposes for which such lands were originally acquired But nothing in this section shall authorise the Corporation to create or knowingly permit a nuisance.

Sale of lands and application of purchase money.

105.—(1) The Corporation may sell and dispose of any lands acquired by them under the provisions of this Act and not required for the purpose for which they were acquired.

(2) The proceeds of sale of any lands sold in pursuance of this section shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act or other moneys borrowed by the Corporation but shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Restriction on taking houses of labouring class.

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

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

Inquiries by Local Government Board.

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

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses

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summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

In executing works for owner Corporation not liable for damage.

108. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or of any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

Penalty on occupiers refusing execution of Act.

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

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

Undertakings to bind successive owners.

110.—(1) Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement And every intending owner or lessee of property shall be entitled on application

to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist.

(2) The Corporation shall keep a register of such undertakings and agreements and within fourteen days after the date of any such undertaking or agreement an entry thereof shall be made in the register showing the names and descriptions of the parties thereto particulars of the property affected thereby and the purport of the undertaking or agreement.

(3) Every register shall be open to inspection by any person at all reasonable times on payment of a sum not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation and any sums received under this subdivision shall be carried to the credit of the borough fund.

(4) If the town clerk or other person having the custody of such register shall refuse to allow such inspection or to furnish such copies he shall be liable to a penalty not exceeding five pounds for each such refusal such penalty to be recoverable by the person aggrieved in a summary manner.

Damages and charges in case of dispute to be settled by justices.

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

Compensation how to be determined.

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

Informations by whom to be laid.

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

As to appeal.

114. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate licence or consent or approval of or by

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the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal.

Recovery of penalties &c.

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

Penalties to be paid over to the treasurer &c.

116. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Corporation be paid to the treasurer and be by him as to penalties in connexion with sanitary matters carried to the credit of the district fund as to penalties in connexion with municipal matters to the credit of the borough fund and in connexion with other matters to such fund as the Corporation may direct.

Authentication and service of notices &c.

117. In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication and in the case of licences and certificates granted by the Corporation under any general or local Act the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

General provisions as to byelaws.

118. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall unless by this Act otherwise provided apply to all byelaws from time to time made by the Corporation under the powers of this Act.

Powers of Act cumulative.

119. All powers given to the Corporation by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Act 1875 and the Municipal Corporations Act 1882 or other Act amending the same respectively and such other powers may be exercised in the same

manner as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Judges not disqualified.

120. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or any gas or water rate rent or charge payable to the Corporation.

Saving for indictments &c.

121. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings nor shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Costs of Act.

122. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys to be borrowed under this Act.

THE FIRST SCHEDULE.

LOCAL ACTS AND ORDERS IN FORCE IN THE BOROUGH.

Session and Chapter.	Title or Short Title.
6 Geo. IV. c. cxxxiii. - -	An Act for paving or flagging lighting cleansing watching regulating and improving the town of Leamington Priors in the county of Warwick.
6 & 7 Vict. c. lix. - -	An Act for amending and enlarging the powers and provisions of an Act for paving or flagging lighting cleansing watching regulating and improving the town of Leamington Priors in the county of Warwick and for establishing a market therein.
31 & 32 Vict. c. xxvii. - -	The Leamington Priors Local Board (Extension of Powers) Act 1868.
49 & 50 Vict. c. xxvii. - -	The Leamington Corporation Act 1886.
15 & 16 Vict c. lxix. - -	The Public Health Supplemental Act 1852 (No. 2) and the Order relating to Leamington referred to in the schedule thereto.
53 & 54 Vict. c. ccxxxvii. -	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1890 and the Order relating to the borough scheduled thereto.

THE SECOND SCHEDULE.

FORM OF DEED OF CONVEYANCE OF UNDERTAKING OF COMPANY TO CORPORATION.

In pursuance of and subject to the provisions of the Leamington Corporation Act 1896 and in consideration of the Leamington Priors Gas Company do hereby convey and assign their undertaking unto the mayor aldermen and burgesses of the borough of Royal Leamington Spa to hold the same unto them their successors and assigns 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 189 .

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T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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