CHAPTER lxxxvii.

An Act to confirm and give effect to an agreement for the acquisition by the mayor aldermen and burgesses of the borough of Luton of the franchises and rights of market and market tolls and right of holding fairs of the lord of the manor of Luton to authorise the removal of the existing market to make further provision with regard to the health local government and improvement of the borough and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS the borough of Luton (in this Act called "the borough") is a municipal borough under the management and control of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas Sir Julius Charles Wernher Baronet (hereinafter referred to as "the owner") is lord of the manor of Luton and is the owner of franchises and rights of market and market tolls within the said manor:

And whereas the holding of the said market in the streets of the borough has at times and from time to time obstructed the free use thereof as thoroughfares:

And whereas it is expedient and in the interests of the borough that the Corporation who have the said streets vested in them and under their management and control and who are the highway authority within the borough should be authorised to purchase the said market and franchises and rights of market and market tolls:

And whereas the owner is also entitled to hold fairs at the feasts of St. Mark and St. Luke in every year and it is expedient

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that all rights with respect to the holding of such fairs should be transferred to and vested in the Corporation:

And whereas by the agreement of the seventeenth day of September one thousand nine hundred and ten contained in the First Schedule to this Act (herein-after referred to as "the scheduled agreement") the owner has agreed to sell to the Corporation and the Corporation have agreed to purchase from the owner the said franchises and rights of market and market tolls and rights with respect to the holding of fairs together with certain waste lands of the manor on the terms and conditions therein appearing and it is expedient that the scheduled agreement should be sanctioned and confirmed and carried into effect:

And whereas it is expedient that further powers as in this Act set forth should be conferred upon the Corporation for securing due regulation of the said market and fairs and the streets in which the same are held:

And whereas in pursuance of the Luton Corporation Electric Lighting Order 1895 the Corporation are supplying electricity in the borough and it is expedient to make further provision with regard to their electricity undertaking:

And whereas it is expedient to make further provision with regard to the streets and buildings in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough be enlarged as by this Act provided:

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

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

And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows:—

	£
(*a*) For and in connexion with the purchase of the market franchises rights of market and market tolls and rights of holding fairs and the purchase of waste lands of the manor under the scheduled agreement - - -	8,500
(*b*) For the extension and improvement of the market - - - - - -	3,500

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And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas an absolute majority of the whole number of the council at a meeting held on the ninth day of December one thousand nine hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Luton News and Bedfordshire Chronicle 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 as to one half on the borough fund and borough rate and as to the remaining half upon the district fund and general district rate:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 Luton Corporation Act 1911.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Markets and Fairs.

Part III.—Town Hall and Public Buildings.

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Part IV.—Streets Buildings Sewers and Drains.

Part V.—Infectious Disease and Sanitary Provisions.

Part VI.—Electricity.

Part VII.—Fire and Workmen's Compensation Funds.

Part VIII.—Financial.

Part IX.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the said Act) and the Markets and Fairs Clauses Act 1847 except sections 12 31 32 and 43 to 50 thereof shall be incorporated with and form part of this Act Provided that for the purposes of the said Act of 1847 the limits of this Act shall be the borough.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Luton;

"The borough" means the borough of Luton;

"The council" means the council of the borough;

"The mayor" "the town clerk" "the medical officer" "the surveyor" and "the inspector of nuisances" mean respectively the mayor the town clerk the medical officer of health the surveyor and any inspector of nuisances of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

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

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

"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 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 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

"Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

"The owner" means Sir Julius Charles Wernher Baronet;

"The manor" means the manor of Luton;

"The market" means the franchises and rights of holding markets within the manor and of taking market tolls and dues and all other market rights profits and emoluments within the manor belonging or reputed to belong to the owner and any other market or markets now or hereafter belonging to or under the regulation or control of the Corporation;

"The fairs" means the franchises and rights of holding fairs within the manor and of taking fair tolls and

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other rights profits and emoluments within the manor belonging or reputed to belong to the owner and any other fair or fairs now or hereafter belonging to or under the regulation or control of the Corporation;

"The market undertaking" means and includes the market and the fairs;

"The scheduled agreement" means the agreement contained in the First Schedule to this Act.

Part II.

Markets and Fairs.

Scheduled agreement confirmed.

5. The agreement made the seventeenth day of September one thousand nine hundred and ten between the owner of the one part and the Corporation of the other part set forth in the First Schedule to this Act is hereby confirmed and made binding on the parties thereto and may be carried into effect in all respects as if it formed part of this Act.

Vesting of owner's market and market rights &c. in Corporation.

6. Upon and from the day on which in accordance with the scheduled agreement the sale to the Corporation shall be completed (which day is herein-after referred to as "the time of vesting") the market and fairs and all real and personal property powers and authorities privileges and exemptions rights of action and suit and all other rights and interests of the owner connected therewith and all other the franchises and rights of holding markets and fairs and of taking tolls and dues and all other rights in connexion with markets and fairs enjoyed exercised or taken or capable of being enjoyed exercised or taken by the owner within the manor and the waste lands of the manor referred to in the scheduled agreement shall be by this Act vested in the Corporation and shall continue and may be held used exercised and enjoyed within the borough by the Corporation Provided that nothing in this Act shall authorise the Corporation to hold any market or fair outside the borough.

Prohibiting markets in neighbourhood of borough.

7. No authority company or person other than the Corporation shall hold any market in the borough or within a radius of four miles from the existing market place in the borough.

Corporation to carry on market.

8. Upon and from the time of vesting the Corporation subject to the provisions of this Act may carry on the market within the borough and may exercise within the borough all

franchises and rights of holding markets and fairs and taking tolls and dues and all other rights of the owner in respect of markets and fairs in as full and ample a manner as the owner might before the time of vesting have done within the manor. A.D. 1911.

Market days and hours.

9.—(1) The prescribed days on which the market shall be held shall be Monday and Saturday in every week Provided that the Corporation may on the occasion of any public holiday or on any other special occasion appoint in substitution for the said days any other days.

(2) The prescribed days on which the fairs shall be held shall be the third Monday in the months of April and October in every year.

Power to alter position of market.

10. The Corporation may from time to time as they may deem expedient alter the place at which the market shall be carried on and may remove establish provide construct build maintain and regulate the same within such limits as they may think proper on the public streets or in any building or buildings or on any lands within the borough belonging to them or acquired by them under the powers of this Act and may make construct extend build maintain furnish equip work and use all requisite and convenient market houses and buildings weighing-houses shops stalls sheds yards stables slaughter-houses sewers drains buildings works approaches and conveniences connected therewith and when and so soon as the Corporation shall have established and provided for public use a new place for carrying on the market it shall be lawful for the Corporation to discontinue wholly or in part the use for market purposes of the place at which the market shall have been carried on before the provision of the new place and thereafter every person other than a licensed hawker selling marketable commodities at the old market place shall for every such offence be liable to a penalty not exceeding forty shillings.

Public notice of removal of market.

11. Notwithstanding anything in this Act before the Corporation substitute any other days for the days prescribed by this Act for holding the market or remove the market they shall give at least one month's public notice by advertisement in some newspaper circulating in the borough and by placards affixed in prominent places throughout the market as the case may require and a statutory declaration by an officer of the Corporation to the effect that public notice has been given

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in accordance with this section shall be received as evidence of compliance with the provisions thereof.

Power to let stands &c.

12. The Corporation may let for such term as they may think fit any stall standing shop bench site space of ground or other convenience or accommodation in the market or fairs upon such terms and conditions as the Corporation think fit.

Tolls &c. to be payable by successive sellers and occupiers.

13.—(1) The several tolls payable in respect of any article or commodity shall be paid not only by the original seller but also by any subsequent seller or person who exposes such article or commodity for sale and each such toll shall be payable before any such article or commodity is exposed for sale.

(2) Any stallage or rent payable with respect to the occupation of any stall standing shop bench site space of ground or other convenience or accommodation shall be paid not only by the original taker or occupier thereof for the part of a day or other time but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

Penalty for attempting to evade payment of tolls &c.

14. If any person liable to pay any stallage rent toll or charge to the Corporation in respect of the market or fairs shall give an incorrect account of the same or make any false statement in relation thereto or refuse or neglect to give a correct account thereof with a view to evade or attempt to evade the payment of such stallage rent toll or charge or any part thereof every such person shall be liable to a penalty not exceeding forty shillings and to pay the amount of the stallage rent toll or charge so evaded or attempted to be evaded.

Power to take possession of stands &c. for non-payment of rent.

15. If any person shall not after any stallage rent toll or charge has become due from and payable by him to the Corporation in respect of any stall standing shed shop bench site space of ground or other convenience or accommodation in the market or fairs and after demand has subsequently been made therefor pay the same forthwith the Corporation may enter upon and take possession of such stall standing shed shop bench site space of ground or other convenience or accommodation and if such stallage rent toll or charge and the reasonable charges of the seizure and detention and the keeping and maintaining of any animal or marketable commodity seized are not paid within four days of such taking possession the Corporation may relet the stall standing shed shop bench site space of ground or other convenience or accommodation without

prejudice to any other remedy for the recovery of such stallage rent toll or charge. A.D. 1911.

Forfeiture of commodities left in market.

16. Every article or marketable commodity brought into the market or fairs and left therein after the hour of closing (except such as may be left in charge of the superintendent or inspector of the market or fairs) may be taken possession of by the superintendent or inspector In the case of any non-perishable article or commodity so left if it be not claimed within one week the Corporation may proceed to sell the same and in that case they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent toll or charge due in respect thereof or from the owner thereof together with the expenses of detention and sale In the case of any article or commodity of a perishable nature so left if it be not claimed within twelve hours the Corporation may proceed to sell the same and in that case they shall return to the owner on demand the surplus proceeds of such sale after deducting any unpaid stallage rent toll or charge due in respect thereof or from the owner thereof together with the expenses of detention and sale Provided that the Corporation may if they think fit at the expiration of the periods respectively herein-before mentioned with respect to each class of goods destroy any goods of that class so left instead of selling the same and in the case of any article or commodity of a perishable nature the cost of destruction may be recovered by the Corporation from the owner in a summary manner If in any such case as herein-before mentioned no demand shall be made by an owner within one month of a sale for the return of any surplus arising from a sale the proceeds of such sale shall be forfeited to the Corporation.

Power to acquire further lands.

17. Subject to the provisions of this Act the Corporation may from time to time purchase and take by agreement for the purposes of this Part of this Act any quantity of lands within the borough not exceeding five acres Provided that the Corporation shall not create or permit any nuisance on any lands taken under the powers of this section and no buildings shall be erected by the Corporation on such lands except in connexion with the market.

Markets not to be held except by Corporation.

18. Nothing contained in this Act or in section 13 of the Markets and Fairs Clauses Act 1847 shall be held to deprive the

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Corporation of any right to proceed by action or otherwise in respect of any disturbance of the market or fairs which the owner would have had if this Act had not been enacted.

Byelaws as to leading or driving cattle.

19. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of that section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets of the borough Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid Provided also that any such byelaws shall not prevent the owner of any animal driving the same to his own premises.

Power for Corporation to acquire certain lands at present used for cattle market.

20. The Corporation may by agreement purchase certain land and premises at present used as a cattle market and auction mart for the sale of cattle and in the occupation of Edward Anthony Cumberland and Hugh Cumberland at New Bedford Road and Bridge Street within the borough and may use the said land and premises or any part thereof as a market for cattle and from and after the date of the purchase of the said land and premises the same shall form part of the market of the Corporation and the provisions of this Part of this Act shall so far as applicable extend and apply to the said land and premises.

Application of revenue and deficiency of receipts.

21. As from the commencement of the financial year next after the time of vesting the Corporation shall keep accounts in respect of the market undertaking separate from all their other accounts distinguishing therein capital from revenue and shall apply all money received by them on account of revenue in respect of the market undertaking in manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the market undertaking:

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the market undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments on moneys borrowed by the Corporation for the purposes of the market undertaking:

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the market undertaking:

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Corporation upon the market undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the market undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the market undertaking or for payment of the cost of renewing any part of the market undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

And the Corporation shall carry to the district fund so much of any balance remaining in any year of the income of the market undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the market undertaking and paying the current expenses connected therewith.

Any deficiency in the revenue of the market undertaking shall be forthwith made good out of the general district rate.

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PART III.

TOWN HALL AND PUBLIC BUILDINGS.

Power to provide town hall and other buildings.

22. The Corporation may with the consent of the Local Government Board for the purposes of this section on lands already belonging to them erect and construct and hold furnish equip maintain insure and carry on a town hall municipal buildings police station petty sessional court public hall assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms ante-rooms refreshment rooms kitchens cloak rooms lavatories gardens outbuildings conveniences and appurtenances and may for the purposes thereof alter adapt extend or otherwise deal with existing buildings belonging to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings.

Letting of public buildings.

23. The Corporation may let for any period any such shops or offices upon such terms and conditions as they may think fit and they may grant or let with or without charge the use of the whole or any part of any public buildings acquired or constructed by them under the powers of this Act for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit.

Application of moneys under this Part of Act.

24. Any moneys received by the Corporation in connexion with the execution of the purposes of this Part of this Act shall be carried to the credit of the borough fund.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

Further provisions as to new streets.

25.—(1) When a road or lane within the borough becomes in consequence of building operations a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force in the borough require such owner to widen such road or lane so as to give a width of not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land.

(2) Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Corporation.

Continuation of existing streets to be deemed new streets.

26. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

Elevation of buildings erected on front lands to be subject to approval of Corporation.

27. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line with and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved 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 forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

For preventing soil &c. from being washed into streets.

28.—(1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other débris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or cause the houses in such street to be flooded.

(2) If any person shall for one month after notice in writing from the Corporation fail in any respect to comply with

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the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large.

For preventing water flowing on footpaths.

29. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of a notice of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Forecourts to be fenced off from streets.

30.—(1) Whenever any person erecting any building shall be desirous of leaving an opening or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

(2) 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 forty shillings.

Trees or shrubs overhanging streets and footpaths.

31.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort 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 within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives written notice of such appeal and of the

grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. A.D. 1911.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Courts to be flagged.

32.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and keep such flagging asphalting concreting or paving and drain in good repair.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

As to buildings of iron steel or re-inforced concrete.

33. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the borough regulating the construction of buildings the Corporation shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):—

(1) Where a person is desirous of erecting an iron steel or re-inforced concrete building or structure he shall make an application to the Corporation accompanied by complete plans sections and elevations of the proposed building with such details and other particulars as to the construction thereof as may be required by the Corporation:

(2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars:

(3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or

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the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Corporation and as to the precautions to be taken in connexion with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively.

Provisions as to house without water supply.

34. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Erection of buildings to greater height than adjoining buildings.

35.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Regulation dustbins.

36. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any ashpits or any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable size and in proper order and condition.

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Prevention and removal of projections over streets.

37. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

38. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses or buildings belonging to the same owner.

Area of habitable rooms.

39.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than seventy square feet.

(3) 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 forty shillings.

Sanitary conveniences for workmen engaged on buildings.

40.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the borough shall provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient water or other closets and urinals.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Separate sewers for surface water and sewage may be required,

41.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

(2) Where under the provisions of any Acts for the time being in force in the borough the Corporation have power to

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require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts shall apply to such sewers accordingly Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3) (*a*) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water (other than from back roofs and paved yards of domestic dwellings) shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation:

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

(*c*) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface-water drainage thereof and the Corporation may if they think fit make all such alterations.

Corporation may require enlarged sewer.

42. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Watercourse not to be covered in

43.—(1) Before the owner of any land within the borough shall culvert or cover over any watercourse thereon forming

part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as herein-after provided require such owner so to construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse: A.D. 1911. except in accordance with approved plan.

Provided that—

(*a*) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

(*b*) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of the works required by the Corporation to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Nothing in this section shall affect the exercise of any powers conferred upon the Great Northern Railway Company by Act of Parliament.

44. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them Corporation may make communications between private drains and their sewers

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on payment &c.

being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Reconstruction of drains.

45.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws of the Corporation relating to the drainage of existing buildings.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Notice of intention to repair drains.

46.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving reasonable notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Corporation authorised in writing by the medical officer for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Improper construction or repair of watercloset or drain.

47.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful damage to drains watercloset &c.

48.—(1) If any person causes any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water-supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water-supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds.

(2) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Street orderly bins.

49. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine.

Corporation may define future line of existing streets.

50.—(1) Where any street or road in the borough repairable by the inhabitants at large 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 of either side of such street or road 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 and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction being of a permanent character shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the

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street or road and such land when purchased shall vest in the Corporation as part of the highway and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

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

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

No building allowed until street defined.

51.—(1) No person except with the consent of the Corporation 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 indicate the approved line and level thereof.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Amendment of section 17 of Public Health Acts Amendment Act 1907.

52. In the application to the borough of section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 subsection (2) of that section shall not apply.

Granite-paved crossings to be

53. The Corporation (if in the circumstances of the case they think it expedient so to do) may make it a condition of

approving the plans for any new street that so soon as any building shall be erected or commenced to be erected in such new street the owners of the freehold of such new street shall provide a granite-paved crossing four feet in width across the end of such street nearest to such building and across every street intersecting either side of such new street between such building and such end of the new street Any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings: A.D. 1911. Penalty as provided in new streets.

Provided that nothing in this section shall empower the Corporation to require the execution of any works in a street repairable by the inhabitants at large.

54. No street shall be laid out of more than one hundred and fifty yards in length without an intersecting street at intervals of not more than one hundred and fifty yards in any such street 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 forty shillings. Intersecting streets.

55.—(1) The soil-pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 of the Public Health Acts Amendment Act 1907 by such other method as the Corporation shall direct. Soil-pipes to be ventilated.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of one month after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

56. If 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 Part of this Act or under any byelaw made thereunder 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 Penalty on occupiers refusing execution of Act.

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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 forty shillings and during the continuance of his 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.

Saving as to railway companies.

57. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connexion with their railway under any Act of Parliament.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

For regulating manufacture and sale of ice cream &c.

58.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice cream or other similar commodity who within the borough—

(*a*) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(*b*) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(*c*) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building

and the Corporation shall compensate the owner of the ice cream commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

Inspection of premises of dealer in ice cream.

59.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Corporation may supply antidotes against infectious disease.

60. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Power to appoint additional inspectors of nuisances.

61. The Corporation may appoint more than one inspector of nuisances and sections 189 and 191 of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly Provided that the Bedford County Council shall not be required to pay any part of the salary of more than one inspector of nuisances for the borough.

Information to be furnished to medical officer and penalty for furnishing false information.

62.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Removal of body of person dying of infectious disease.

63. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

Defining establishing of a new business.

64. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established not only if it is established anew but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or manufacture shall not be deemed to be established anew on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Watercourse choked up to be a nuisance under Public Health Act 1875.

65. Any river stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance

within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Penalty for throwing rubbish into streams.

66. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the borough so as to interfere with the due flow of such watercourse shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation may revoke licences for private slaughter-houses.

67. The Corporation may at any time after they have provided public slaughter-houses revoke cancel or call in any licence granted by them whether before or after the passing of this Act to carry on private slaughter-houses making compensation in respect thereof according to section 308 of the Public Health Act 1875 except that if any such licences shall have been granted upon condition that the slaughter-houses licensed thereby should be discontinued upon public slaughter-houses being provided by the Corporation no such compensation shall be payable unless the Corporation shall for special reasons see fit to grant such compensation.

Penalty for slaughtering elsewhere than in Corporation slaughter-houses.

68.—(1) So long as the Corporation shall provide sufficient slaughter-houses for the accommodation of the borough no person shall slaughter or dress any cattle beast sheep or swine for sale in any place within the borough other than in one of the slaughter-houses provided by the Corporation and if any person acts in contravention of this section he shall be liable to a penalty not exceeding five pounds for every such offence.

(2) If any question shall arise as to whether a sufficient number of slaughter-houses is provided by the Corporation such question shall be determined by the court before whom the proceedings under this section shall be taken.

Power to close slaughter-houses if injurious to public health.

69.—(1) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in

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the way of trade any cattle horse sheep or pig on the said premises.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

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

70.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the municipal offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

Expenses of this Part of Act.

71. Any expenses of the execution by the Corporation of this Part of this Act shall be defrayed out of the district fund and general district rate.

PART VI.

ELECTRICITY.

Power to construct electrical sub-stations under streets.

72. The Corporation may construct and maintain in or under any street repairable by the inhabitants at large sub-stations transforming stations and other works in connexion with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient:

Provided always that the Corporation shall not exercise the powers of this section so as to affect or interfere with any railway or work of the Great Northern Railway Company or the Midland Railway Company.

Corporation may provide electrical apparatus.

73.—(1) The Corporation may purchase sell let for hire and fix set up repair and remove but shall not manufacture

lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things for lighting and motive power and for all other purposes for which electricity can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electricity and may provide all materials and do all work necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

(2) The Corporation may enter into and carry into effect contracts for the execution of any of the powers of this section including the wiring of private property but they shall not themselves execute the wiring of private property except between the main of the Corporation and the consumers' meters nor shall they sell any lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things for lighting and motive power or for other purposes under the provisions of subsection (1) of this section except through a contractor.

(3) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

As to expenses and receipts.

74.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act relating to the supply of electricity and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

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(2) Any moneys received by the Corporation under the said provisions shall be applied in manner provided by section 52 (Application of revenue) of the Luton Corporation Electric Lighting Order 1895 except capital moneys which shall be applied in manner provided by section 53 (Application of capital money) of the said Order.

Power to lay pipes in streets not dedicated to public use.

75. The Corporation may upon the application of the owner or occupier of any premises abutting on or erected or being erected in any street within the borough laid out or made but not dedicated to public use supply such premises with electricity and may (subject to the provisions of the Luton Corporation Electric Lighting Order 1895) lay down take up alter relay repair remove and renew in across or along or out of such street such pipes electric lines and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street had been dedicated to public use:

Provided always that nothing in this section shall apply to any street belonging to the Great Northern Railway Company:

Provided also that any mains pipes electric lines or other apparatus which the Corporation may under the powers of this section lay down or execute or renew under or over or which may affect any railway roadways or works belonging to the Midland Railway Company shall be laid down and executed renewed and subsequently maintained by the Corporation under the direction and superintendence and to the reasonable satisfaction of the chief engineer of the Midland Railway Company and in accordance with plans and sections previously submitted to and approved by him and the Corporation shall make the Midland Railway Company full compensation for all damage sustained by them by reason of the exercise of the powers of this section.

If any difference shall arise between the Corporation and the Midland Railway Company under this section such difference shall be settled by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers at the request of either party.

PART VII.

FIRE AND WORKMEN'S COMPENSATION FUNDS.

Fire insurance fund.

76.—(1) The Corporation may if they think fit establish a fund to be called "the fire insurance fund" with a view of

providing a sum of money which in the event of a fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good any loss or damage by or in consequence of fire to any buildings works and property belonging or on loan to or under the care custody or control of the Corporation.

(2) In each year after the establishment of the fire insurance fund the Corporation shall pay into that fund such a sum as would in their opinion be equal to the aggregate amount of the premiums payable in the event of the Corporation insuring their buildings works and property in some public fire insurance office in Great Britain but when the fund shall amount to the sum of twenty thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payment until the fund be restored to the sum of twenty thousand pounds Provided that nothing in this Act shall affect the power of the Corporation to insure any of their buildings works and property against loss or damage by fire in any public insurance office and if the Corporation so insure any of their buildings works and property the yearly sums payable to the fire insurance fund shall during the continuance of any such insurance be reduced by the amount of the premiums payable in respect of such insurance.

(3) The Corporation shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands buildings and undertakings or from the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents revenues funds or rates so chargeable then by contributions from the borough fund and borough rate.

(4) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses from or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall be invested in securities in which trustees are by law authorised to invest trust moneys and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of twenty

providing a sum of money which in the event of a fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good any loss or damage by or in consequence of fire to any buildings works and property belonging or on loan to or under the care custody or control of the Corporation.

(2) In each year after the establishment of the fire insurance fund the Corporation shall pay into that fund such a sum as would in their opinion be equal to the aggregate amount of the premiums payable in the event of the Corporation insuring their buildings works and property in some public fire insurance office in Great Britain but when the fund shall amount to the sum of twenty thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payment until the fund be restored to the sum of twenty thousand pounds Provided that nothing in this Act shall affect the power of the Corporation to insure any of their buildings works and property against loss or damage by fire in any public insurance office and if the Corporation so insure any of their buildings works and property the yearly sums payable to the fire insurance fund shall during the continuance of any such insurance be reduced by the amount of the premiums payable in respect of such insurance.

(3) The Corporation shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands buildings and undertakings or from the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents revenues funds or rates so chargeable then by contributions from the borough fund and borough rate.

(4) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses from or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall be invested in securities in which trustees are by law authorised to invest trust moneys and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of twenty

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thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the fund or funds to which the same are properly applicable.

(5) If at any time and from time to time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Corporation by or in consequence of fire they may with the consent of the Local Government Board borrow at interest under and subject to the provisions of the section of this Act of which the marginal note is "Power to borrow" such sums of money as will be necessary to make up the deficiency.

Power to create accident fund.

77. The Corporation may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested at compound interest in or upon any securities in which trustees are by law authorised to invest trust moneys and accumulated until the same shall amount to the sum of ten thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount.

Part VIII.

Financial.

Power to borrow.

78.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the pre-

prescribed period") mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(*a*) For and in connexion with the purchase of the market and fairs franchises rights of market and market tolls and rights of holding fairs and waste lands of the manor under the scheduled agreement.	£8,500	Sixty years from the date or dates of borrowing.
(*b*) For the extension and improvement of the market.	£3,500	Thirty years from the date or dates of borrowing.
(*c*) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Local Government Board borrow such further moneys as may be necessary for any of the purposes of this Act.

Any moneys borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Local Government Board.

(3) 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 moneys borrowed for the purposes (*a*) and (*b*) herein-before mentioned the revenue of the market undertaking and the district fund and the general district rate:

As regards moneys borrowed for the purposes (*c*) herein-before mentioned the borough fund and borough rate and the district fund and general district rate:

As regards moneys borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe.

The provisions of this subsection shall not limit the powers conferred upon the Corporation by the section of this Act whereof

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the marginal note is "Power to use one form of mortgage for all purposes."

Section 234 of Public Health Act 1875 not to apply.

79. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) 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.

Application of money borrowed.

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

Mode of raising money.

81. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or under and subject to the provisions of the Local Loans Act 1875 by the issue of debentures or annuity certificates or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

82. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act other than mortgages granted under the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

83. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

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Sinking fund.

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

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

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

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

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

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

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

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

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

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

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund

is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

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

Protection of lender from necessity of inquiry.

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

Appointment of receiver.

86.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Corporation not to regard trusts.

87. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Power to re-borrow.

88.—(1) The Corporation shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

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(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) By instalments or annual payments; or

(*b*) By means of a sinking fund; or

(*c*) Out of moneys derived from the sale of land; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to invest all sinking funds in statutory securities.

89. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of mortgage for all purposes.

90.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

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(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating

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the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to use sinking fund instead of borrowing.

91.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein. A.D. 1911.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund:

(*b*) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

(*c*) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Return to Local Government Board as to sinking funds.

92.—(1) The town clerk shall within forty-two 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 required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect

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of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the town clerk 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 or of the sums 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 together with such further information (if any) as the Board shall require and in the event of his failing to make such return the 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 Board out of the High Court.

(2) If it appears to the 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 for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has 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 Board out of the High Court.

Expenses of execution of Act.

93. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund and borough rate or the district fund and general district rate as

the Corporation may in their discretion having regard to the object of the expenditure deem just. A.D. 1911.

Audit of accounts.

94. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

PART IX.

MISCELLANEOUS.

Use of swimming baths during winter.

95. The Corporation may from the first day of November to the first day of April close and cover over any swimming bath belonging to them and utilise or from time to time let the same for periods not exceeding one week at a time for meetings concerts entertainments cinematograph shows or for any other purposes free from any restriction contained in the Baths and Washhouses Act 1878 or any Act amending the same.

Abolition of offices of pound-warden and town crier.

96. The owner may transfer to the Corporation the right to appoint to the offices of poundwarden and town crier of the borough and the Corporation may at any time after such transfer abolish those offices or either of them and may pay to the holder of the office so abolished such reasonable compensation for loss of office as may be settled in case of disagreement by an arbitrator to be appointed on the application of the Corporation or the officer concerned and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Notice of processions to be given.

97.—(1) 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 of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the town hall twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) 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.

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Evidence of appointments authority &c.

98. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Power to grant gratuities in certain cases.

99.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 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 sickness 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 or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

Restriction on advertising vehicles.

100.—(1) It shall not be lawful in any street in the borough to use 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 who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding forty shillings.

(2) Any person aggrieved under subsection (1) of this section by the refusal of the Corporation to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction not later than seven days after the decision of the Corporation is notified to him in writing

under the hand of the town clerk provided such person gives twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit. A.D. 1911.

As to breach of conditions of consent of Corporation.

101. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

In executing works for owner Corporation only liable for negligence.

102. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Authentication and service of notices &c.

103.—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided

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that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Confirmation of byelaws.

104. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

Consent of Corporation to be in writing.

105. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

As to appeal.

106. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act 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 made by a court of summary jurisdiction the Corporation may in like manner appeal.

Apportionment of expenses in case of joint owners.

107. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Recovery of penalties &c.

108. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs

damages and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs damages and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

109. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Compensation &c. how to be determined.

110. 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 by the Public Health Acts.

Informations by whom to be laid.

111. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk.

Penalties to be paid over to treasurer.

112. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the borough and be by him carried to the credit of the borough fund or to such other fund as the Corporation shall direct.

Judges not disqualified.

113. 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.

Application of section 265 of Public Health Act 1875.

114. Section 265 (Protection of local authority and their officer from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Saving for indictments &c.

115. 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 or

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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 Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Inquiries by Local Government Board.

116.—(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 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.

Powers of Act cumulative.

117. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies 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.

Crown rights.

118. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

119. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained 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 or out of the borough fund or out of both of them in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act. A.D. 1911

THE FIRST SCHEDULE.

Stamp.

Ten Shillings.

AGREEMENT made the seventeenth day of September one thousand nine hundred and ten between SIR JULIUS CHARLES WERNHER of Luton Hoo in the county of Bedford Baronet (herein-after called "the Vendor") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF LUTON in the county of Bedford acting by the Council (herein-after called "the Corporation") of the other part.

WHEREAS the right of holding markets and fairs has been exercised from time immemorial by the Lords of the Manor of Luton the predecessors in title of the Vendor:

And whereas the local board of health for the township of Luton in the county of Bedford having been duly empowered thereto by resolution duly passed in accordance with the requirements of the Local Government Act 1858 acquired a lease of the said markets and of the right to take tolls therein by two indentures dated the sixth day of February one thousand eight hundred and sixty-six and the twenty-seventh day of April one thousand eight hundred and sixty-nine made between John Shaw Leigh of Luton Hoo in the parish of Luton in the county of Bedford of the one part and the said local board of health of the other part for a term of seventy-five years which term is still unexpired:

And whereas the said Vendor is entitled to the manor of Luton in the county of Bedford which manor includes the rights and privileges herein-after described and also to certain hereditaments in the same county of which the hereditaments herein-after described and hereby agreed to be sold form part:

And whereas the Corporation intend to introduce into Parliament a Bill intituled (inter alia) (A Bill to confirm and give effect to an agreement for the acquisition by the mayor aldermen and burgesses of the borough of Luton of the franchises and rights of market and market tolls and rights of holding fairs of the Lord of the Manor of Luton in the borough) and by such Bill are seeking powers to acquire the rights franchises privileges and hereditaments herein-after described upon the terms herein-after set forth:

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Now it is hereby agreed as follows:—

1. The Vendor will sell and the Corporation will purchase at the price of eight thousand pounds the inheritance in fee simple in possession free from incumbrances of the property specified in the schedule hereto together with the benefit of the lease of the said property under the two indentures of lease dated the sixth day of February one thousand eight hundred and sixty-six and the twenty-seventh day of April one thousand eight hundred and sixty-nine herein-before referred to.

2. The Corporation shall pay the said purchase money of eight thousand pounds within three months after the said Bill has received the Royal Assent but not later than the thirty-first day of December one thousand nine hundred and twelve at the office of Mr. William Austin the solicitor of the Vendor at which time and place the purchase shall be completed and the Corporation paying their purchase money shall as from that day be let into possession or into receipt of the rents and profits and up to that day all rents rates taxes and outgoings shall (if and so far as necessary) be apportioned and if from any cause whatever other than wilful default on the part of the Vendor the completion of the purchase shall be delayed beyond such three months the purchase money shall carry interest at the rate of five per centum per annum from that day to the date of actual payment thereof.

3. The Vendor shall deliver to the Corporation an abstract of his title to the premises hereby agreed to be sold such abstract to commence with an indenture dated the first day of September one thousand nine hundred and three and the Corporation shall within twenty-one days after the delivery of such abstract send to the office aforesaid of the solicitor of the Vendor a statement in writing of all their objections and requisitions (if any) to or on the title or evidence of title or the abstract or this agreement and subject thereto the title shall be deemed accepted and all objections and requisitions not included in any statement sent as aforesaid and within the time aforesaid shall be deemed waived and an answer to any objection or requisition shall be replied to in writing within fourteen days after the delivery thereof and if not so replied to shall be considered satisfactory and time shall be deemed in all respects as of the essence of this clause and if the Corporation shall take any objection or make any requisition which the Vendor shall be unable or unwilling on the ground of expense or otherwise to remove or comply with and shall not withdraw the same within seven days after being required so to do the Vendor may by notice in writing delivered to the Corporation or their solicitor at any time and notwithstanding any intermediate negotiation rescind this agreement and the Corporation will thereupon return forthwith all abstracts and

papers in their possession belonging to the Vendor and shall not make any claim on the Vendor for costs compensation or otherwise.

4. The Vendor shall not be required to furnish any evidence (further than such as is in his possession) of the rights and privileges hereby agreed to be sold forming part of the manorial rights of the said manor of Luton or that such rights or privileges or any of them have been continuously exercised and are still on foot and subsisting and no objection shall be made by the Corporation on the ground that the said indentures or the manorial books or documents (if any) in the possession of the Vendor contain no evidence of the existence of or reference to such rights or privileges or on account of any such books or documents being defective or wanting or on the ground of any intermission or discontinuance whether temporary or permanent of the exercise of any such rights or privileges it being understood and agreed that the Corporation purchase only such of the said rights and privileges as now actually exist and are capable of being used and exercised The Corporation shall be entitled to a statutory declaration that the said rights and privileges have been enjoyed by the Vendor and his predecessors from time immemorial as appurtenant to the manor of Luton such declaration to be prepared by the Vendor at the cost of the Corporation.

5. The sale hereby agreed to be made or anything herein contained shall not include or affect any of the said manorial rights attached to the said manor of Luton other than the rights and privileges hereinbefore expressly mentioned.

6. The conveyance to the Corporation shall be prepared by them at their own expense and the engrossment thereof shall be delivered at the office aforesaid of the solicitor of the Vendor fourteen days at least before the date of completion for execution by the Vendor and other necessary parties (if any) and the draft of such conveyance for perusal and approval on behalf of the Vendor and other necessary parties (if any) shall be left at the said office at least fourteen days before delivery of the engrossment.

7. No further or other evidence shall be required of the identity of the hereditaments hereby agreed to be sold with the property to which title is shown by the abstract besides such evidence (if any) as may be gathered from the description in the documents abstracted and the statutory declaration before referred to.

8. The property is sold subject to all quit chief and other rents rights of light air way water and other easements (if any) charged and subsisting thereon and to any liability to repair fences roads or streets and any incorrect statement error or omission found herein shall not annul or entitle the Corporation to be discharged from their

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purchase nor shall the Vendor or the Corporation claim or be allowed any compensation in respect thereof.

9. If the Corporation shall neglect or fail to perform this agreement on their part the Vendor may with or without notice resell the premises without previously tendering a conveyance to the Corporation and any resale may be made by auction or private contract at such price subject to such conditions and in such manner generally as the Vendor shall think proper and if thereby the Vendor shall incur a loss by reason of diminution in price or expenses incurred or both the Corporation shall pay to the Vendor the amount of such loss as liquidated damages and on any resale by auction the premises may be bought in and all expenses consequent on an unsuccessful attempt to resell shall be forthwith paid to the Vendor by the Corporation.

10. This agreement is conditional on the Bill herein-before referred to promoted by the Corporation in Parliament being passed and receiving the Royal Assent before the said thirty-first day of December one thousand nine hundred and twelve empowering the Corporation to acquire the property hereby agreed to be purchased by them and in case such Act of Parliament shall not be passed and receive the Royal Assent before the said thirty-first day of December this agreement shall be void except that the Corporation shall in such case pay to the Vendor all costs charges and expenses incurred by him in the matter of this agreement according to the scale in force prior to the general order made in pursuance of the Solicitors' Remuneration Act 1881 as altered by Schedule II. of such order including counsel's fees and other out-of-pocket expenses and in addition thereto the sum of forty-two pounds in such case agreed to be paid to the Vendor's surveyor.

11. The Corporation shall on completion of the purchase pay to the Vendor the sum of one hundred and twenty-five guineas for all costs and expenses and out of pockets whatsoever incurred by the Vendor in connexion with the negotiations for and the preparation and execution of this agreement and of deducing the title to the said premises and of the execution and completion of the assurance to the Corporation together with the fee of the Vendor's surveyor agreed at the sum of one hundred and sixty pounds And it is hereby further agreed that if the Vendor shall establish his right to appear by counsel before any committee of either House of Parliament for the purpose of securing that the arrangement entered into with the Corporation in this agreement shall have effect without modification or alteration of any of its terms the Corporation shall in addition to the said costs pay to the Vendor all his taxed costs of and incidental to his appearance before every such committee provided however that this latter sum shall not exceed one hundred pounds.

12. This agreement is subject to such alterations or amendments as Parliament may think fit to make therein but either party shall be

at liberty to withdraw therefrom if he or they do not consent to such alterations or to any alterations or amendments of the Bill confirming this agreement which Parliament may think fit to make and in either of such events so much of the Bill as relates to the confirmation of this agreement shall be withdrawn. A.D. 1911.

The SCHEDULE above referred to.

1.—Markets.

(A) All the rights powers and privileges enjoyed by the Vendor in respect of the holding of markets within the borough of Luton in the county of Bedford including the right to take stallages rents piccages standings tolls and other dues and all other rights profits and emoluments arising out of the holding of markets on days on which markets have heretofore been held and may lawfully be held for the sale of commodities and animals usually sold in markets and in particular the right to hold a market or public place of sale for corn grain provisions wares merchandise and animals of all lawful kinds whatsoever within the said borough of Luton in each and every week in like manner as the same has heretofore been used and is now holden together with all stallages rents piccages standings tolls and other dues in the said markets and all profits and advantages coming arising or payable for and in respect of any such corn grain provisions wares merchandise or animals as aforesaid bought sold or disposed of at or brought to or placed in the market aforesaid The aforesaid rights to be deemed to include all the rights now enjoyed by the Corporation under the herein-before mentioned indenture of lease of the 6th day of February 1866.

(B) All that the market place or places or site or sites of the Luton Market situate in the town of Luton together with the shops shambles sheds and other erections thereon (if any).

(C) All that the messuage building or corn exchange situate on the Market Hill Luton and now held and enjoyed by the Corporation as the lessees thereof under the herein-before mentioned indenture of lease of the 27th April 1869 and more particularly delineated and described on the ground or block plan drawn in the margin of the last-mentioned indenture and coloured pink together with the appurtenances belonging thereto reserving however unto the Vendor and his successors for the time being Lords of the Manor of Luton the free use of the said building or any building that may be hereafter erected in substitution for the same upon Thursday in Whitsun week in each year for the holding of the annual court leet and court baron of the Lord of the said Manor of Luton.

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2.—FAIRS.

All the rights powers and privileges enjoyed by the Vendor in respect of the holding of fairs in the borough of Luton in the county of Bedford including the right to take stallages rents piccages standings tolls and other dues and all other rights profits and emoluments arising out of or incidental to the holding of fairs.

3.—WASTE LANDS.

All the present right title estate and interest of the Vendor as Lord of the Manor of Luton in all such and such parts of the strips of land or roadside waste as be within the borough of Luton as well as those pieces of the waste immediately adjoining the borough boundary which lie outside the borough boundary all which said parts pieces and strips are delineated (by way of general description and not of limitation) on the plans numbered 1 2 and 3 annexed hereto and are distinguished respectively by the colours blue and red and are now vested in the Vendor as parts of the waste of the manor of Luton this grant being subject however to all easements rights and interests acquired by the public or by any person against the Vendor or his predecessors in title as to the existence of which easements rights or interests (if any) he can give no particulars and the fact of the existence of which he does not admit.

In witness whereof the said Vendor has hereunto set his hand and the Corporation of Luton have hereunto caused their common seal to be affixed the day and the year first above written.

The common seal of the mayor aldermen and burgesses of the borough of Luton was affixed hereto by order of the Council in the presence of } L.S.

(Sgd.) ALBERT WILKINSON
Mayor.

(Sgd.) BRUCE PENNY
Town Clerk.

Witness to the signature of the before-mentioned Sir Julius Charles Wernher } J. C. WERNHER. L.S.

JAS. R. BUTLER
1 London Wall Buildings
London E.C.
Clerk.

THE SECOND SCHEDULE.

Form of Mortgage.

By virtue of the Luton Corporation Act 1911 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Luton (herein-after referred to as "the Corporation") in consideration of the sum of pounds paid to the treasurer of the borough by (herein-after referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half yearly on the day of and the day of in each year And it is hereby agreed that the said principal sum of pounds shall be repaid at the municipal offices in the said borough [(subject as herein-after provided) on the day of one thousand nine hundred and] [by]:

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

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

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THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of one thousand nine hundred and

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]
[of] in consideration of the sum of pounds paid to me by of (herein-after referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the mayor aldermen and burgesses of the borough of Luton bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and

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FOR
ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

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