CHAPTER lxiv.

An Act for conferring further powers upon the Corporation of Northampton with reference to their tramway undertaking to authorise the construction of street widenings and to make better provision for the health local government and finance of the borough of Northampton and for other purposes. [18th August 1911.] A.D. 1911.

WHEREAS the county borough of Northampton (in this Act called "the borough") is a municipal borough under the management and control of the mayor aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation"):

And whereas the borough is now divided into nine wards each of which returns three councillors and it is expedient to make provision for increasing the number of the wards and the number of members of the council:

And whereas it is expedient that the Corporation should be empowered to construct the street widenings within the borough and to acquire the lands in this Act respectively mentioned or referred to:

And whereas the Corporation own the tramway undertaking in the borough which is regulated by the Northampton Corporation Tramways Order 1901 (in this Act referred to as "the Order of 1901") and it is expedient that new tramways should be constructed for the purpose of extending the existing tramways of the Corporation and that all necessary powers for that purpose should be conferred upon the Corporation:

And whereas it is expedient that the provisions should be made as in this Act contained with respect to the provision and use by the Corporation of trolley vehicles:

A.D. 1911.

And whereas it is expedient that further and better provision should be made with reference to streets buildings and sanitary matters and for the local government health and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended:

And whereas the following adoptive Acts are in force within the borough (that is to say):—

The Infectious Disease (Prevention) Act 1890;

The Public Health Acts Amendment Act 1890 (except Part IV.);

The Museums and Gymnasiums Act 1891;

The Public Libraries Acts 1892 and 1893;

The Baths and Washhouses Acts 1846 to 1899; and

The Notification of Births Act 1907:

And whereas the Corporation have applied to the Local Government Board for an order declaring Part II. (except section 19) and Part VI. of the Public Health Acts Amendment Act 1907 to be in force within the borough:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
For the purchase of lands for and for the construction of the street widenings by this Act authorised - - - - - - - -	70,000
For the construction and equipment of the tramways by this Act authorised and for the general purposes of the tramway undertaking of the Corporation - - - -	111,500

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 it is expedient that the other powers contained in this Act should be conferred upon the Corporation:

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

And whereas plans and sections showing the lines and levels of the proposed works authorised by this Act and a book of reference to the plans containing the names of the owners or

reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Northampton which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fifth day of November one thousand nine hundred and ten after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Northampton Daily Chronicle a local newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the funds rates and revenues of the Corporation:

And whereas the said resolution was published twice in the Northampton Independent a local newspaper published and circulating in the borough 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 second 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 Northamption Corporation Act 1911.

A.D. 1911.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Increase of Council and Alteration of Wards.
Part III.—Extension of Borough.
Part IV.—Street Widenings.
Part V.—Tramways.
Part VI.—General Provisions as to Lands and Works.
Part VII.—Trolley Vehicles.
Part VIII.—Building Regulations.
Part IX.—Streets Sewers and Drains.
Part X.—Sanitary Provisions.
Part XI.—Notification of Tuberculosis.
Part XII.—Accident Fund.
Part XIII.—Finance.
Part XIV.—Miscellaneous.

Incorporation of general Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings And—

"The borough" means the county borough of Northampton as constituted and existing after the passing of this Act;

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

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the surveyor" "the medical officer" "the inspector of nuisances" mean respectively the town clerk the treasurer the surveyor the medical officer of health and any inspector of nuisances of the borough and "medical officer" includes any person duly appointed by the Corporation to discharge temporarily the duties of a medical officer of health;

"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;

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

"The tramways" means the tramways by this Act authorised;

"The Corporation tramways" includes the tramways and the existing tramways of the Corporation;

"The tramway undertaking" means the tramway undertaking of the Corporation for the time being authorised;

"Mechanical power" means steam electrical and any other motive power not being animal power;

"Engine" includes motor;

"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 every day on which any offence is continued after conviction;

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

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money 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

A.D. 1911.

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;

"Revenues of the Corporation" means and 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 rates or contributions leviable by or on the precept of the Corporation.

Part II.

Increase of Council and Alteration of Wards.

Commencement of this Part of Act.

5. For the purpose of making the scheme under this Part of this Act and for the purposes of all proceedings preliminary to the ordinary municipal elections of the year one thousand nine hundred and twelve this Part of this Act shall come into operation on the passing of this Act and for all other purposes shall come into operation on the first day of November one thousand nine hundred and twelve.

Alteration of wards.

6.—(1) The borough shall be divided into twelve wards and the wards shall have such names or distinguishing numbers and boundaries as shall be determined by a scheme to be made by a commissioner to be appointed for that purpose by His Majesty's Principal Secretary of State for the Home Department.

(2) The commissioner shall commence and proceed with the duties of his appointment with all practicable dispatch and so as to complete his scheme by the thirty-first day of March one thousand nine hundred and twelve or such later day as may on his application be fixed by the said Secretary of State.

(3) The scheme shall be published in the London Gazette and also once at least in each of two successive weeks in two local newspapers circulating in the borough.

Election assignment and retirement of councillors.

7.—(1) Three councillors and one alderman shall be assigned to each of the wards.

(2) The commissioner shall by his scheme apportion such of the then existing councillors as shall remain in office after the first day of November one thousand nine hundred and twelve among the new wards so as to provide (as far as practicable) for each councillor continuing to represent as large a number as possible of his former constituents and every such councillor shall

hold his office in the ward to which he shall be so assigned for the same period as he would have held office if the existing wards of the borough had remained unchanged.

(3) Provided that there shall not be assigned to any ward more than one councillor whose term of office expires on the first day of November one thousand nine hundred and thirteen nor more than one councillor whose term of office expires on the first day of November one thousand nine hundred and fourteen.

(4) At the election of councillors to be held in any ward on the first day of November one thousand nine hundred and twelve so many councillors shall be elected as shall be necessary to complete the number of three for such ward.

(5) The council shall previous to the first day of November one thousand nine hundred and twelve by resolution assign an alderman or a councillor to each of the wards as returning officer of such ward at the elections to be held on that day.

(6) One of the councillors elected for or assigned to any ward under the provisions of this section shall go out of office on the first day of November one thousand nine hundred and thirteen and another shall go out of office on the first day of November one thousand nine hundred and fourteen and the remaining councillor shall go out of office on the first day of November one thousand nine hundred and fifteen.

(7) The order of retirement among the councillors elected for any ward in pursuance of this section shall be as follows:—

(A) When one councillor is elected he shall go out of office on the first day of November one thousand nine hundred and fifteen:

(B) When two councillors are elected the councillor elected by the larger number of votes shall go out of office on the first day of November one thousand nine hundred and fifteen and the other councillor shall go out of office on the first day of November one thousand nine hundred and fourteen or the first day of November one thousand nine hundred and thirteen as the case may require having regard to the time of retirement of the assigned councillor for such ward:

(c) Where three councillors are elected the councillor elected by the largest number of votes shall go out of office on the first day of November one thousand nine

A.D. 1911.

hundred and fifteen and the councillor elected by the next largest number of votes shall go out of office on the first day of November one thousand nine hundred and fourteen and the councillor elected by the smallest number of votes shall go out of office on the first day of November one thousand nine hundred and thirteen.

(8) If no poll shall be taken at the election of councillors for any ward on the first day of November one thousand nine hundred and twelve or if there shall be an equality of votes at any such election the council shall at their meeting held on the ninth day of November one thousand nine hundred and twelve determine the order of retirement of the councillors affected.

Election of aldermen.

8. In regard to the election and rotation of aldermen the following provisions shall apply:—

(1) On the ninth day of November one thousand nine hundred and twelve the council shall elect three aldermen one of whom shall hold office for four years and two of whom shall hold office for one year respectively:

(2) On the ninth day of November one thousand nine hundred and thirteen being the next ordinary day for the election of aldermen the aldermen so elected for one year together with the four aldermen who would in the ordinary course retire on that day shall go out of office and their places shall be filled by election:

(3) On the ninth day of November one thousand nine hundred and sixteen being the next ordinary day for the election of aldermen the alderman so elected for four years together with the five aldermen who would in the ordinary course retire on that day shall go out of office and their places shall be filled by election.

Application of section 30 of Municipal Corporations Act 1882.

9. Subject to the provisions of this Act subsections (8) to (15) of section 30 (Proceedings for division of borough into wards or alteration of wards) of the Municipal Corporations Act 1882 shall apply as if they were with any necessary alterations re-enacted in this Act.

Saving provisions of Municipal Corporations Acts.

10. Subject to the provisions of this Part of this Act all elections vacations of office and rotations shall be governed by the Municipal Corporations Acts and the provisions of those

Acts with reference to the division of the borough into wards and the alteration of wards shall be applicable to the borough and to the wards thereof as altered in pursuance of this Act. A.D. 1911.

Part III.

Extension of Borough.

Alteration of boundaries of borough.

11. The boundaries of the existing borough are hereby altered and extended so as to comprise and the borough shall accordingly comprise in addition to the existing borough so much of the parish of Weston Favell in the rural district of Northampton as will form part of Billing Road when widened as shown on the plan referred to in the section of this Act the marginal note of which is "Deposit of plan of extended borough" (hereinafter called "the added area").

Authority of Corporation extended.

12. Subject to the provisions of this Act the powers rights privileges authorities and duties of the Corporation as a municipal body and of the Corporation acting by the council as the sanitary authority for the district of the existing borough and of the Corporation acting in the execution of the local Acts or of any other local Act or Order confirmed by Parliament in force within the existing borough or otherwise and of all officers and servants of the Corporation in their respective official capacities shall extend to and throughout the added area.

Extension of jurisdiction of recorder and other officers.

13. The jurisdiction powers authorities rights privileges and duties of the recorder clerk of the peace and coroner of the borough and other officers thereof and of the justices of the peace appointed for the borough whether acting in general or in quarter sessions or in petty sessions or out of sessions or otherwise and of the police constables and other peace officers of the borough shall extend throughout the added area:

Provided that every person committing an offence in the added area prior to the passing of this Act shall be tried adjudicated on and dealt with as if this Act had not been passed:

Provided also that every proceeding which prior to the passing of this Act has been begun by or before any justice or justices in relation to any matter arising in or concerning the added area may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

A.D. 1911.

Added area to be part of borough.

14. Subject to the provisions of this Act and of the Municipal Corporations Acts the added area shall form and for all intents and purposes be part of the borough and of the parish of Abington and Saint Edmund's Ward and all the rights privileges benefits and advantages enjoyed by the burgesses or inhabitants of the existing borough are hereby extended to and may be enjoyed by the burgesses or inhabitants of the added area.

Local Acts byelaws &c. to apply to extended borough.

15. The local Acts and the byelaws and regulations of the Corporation as the same respectively are in force at the commencement of this Act within the borough shall extend and apply to the added area (subject to any future repeal or amendment of the same) and byelaws and regulations made by any county justices or by any other local authority in force within the added area at the commencement of this Act shall cease to be in force or to have any effect therein Provided that any person may be tried and punished for any offence against the same committed before the commencement of this Act as if this Act had not been passed.

Deposit of plan of extended borough.

16. A plan of the borough as extended by this Act signed in triplicate by Charles Norris Nicholson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred shall within two weeks after the passing of this Act be deposited in the Parliament Office of the House of Lords and in the Private Bill Office of the House of Commons and with the town clerk at his office and a copy thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Board of Agriculture and Fisheries and to the Local Government Board and to the Inland Revenue Department and to the Commissioners of Customs and Excise and to the Registrar-General and to the Postmaster-General.

Copies of deposited borough plan to be evidence.

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

Part IV.

Street Widenings.

Power to construct street widenings.

18. Subject to the provisions of this Act the Corporation may wholly in the borough and in the lines and according to the levels shown upon the deposited plans and sections and described in the deposited book of reference make and maintain the street widenings hereinafter described together with all proper works and conveniences connected therewith (that is to say):—

Work No. 1 A widening of Bridge Street South Bridge and Cotton End on the east sides thereof between Victoria Promenade and a point 1·55 chains north of the level crossing at Bridge Street Railway Station:

Work No. 2 A widening of Bridge Street on the west side thereof between a point 3·1 chains north of Commercial Street and the southern end of the offices of the Northampton Brewery Company Limited.

Limits of deviation for street widenings.

19. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan thereof respectively and may deviate vertically from the levels shown on the deposited section thereof respectively to any extent not exceeding two feet upwards and two feet downwards.

Easement for constructing new street across River Nene.

20. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation may purchase and acquire an easement or right of constructing maintaining and using the widening by this Act authorised of South Bridge carrying Bridge Street over the bed banks and foreshore of the River Nene without the Corporation being obliged or compellable to purchase any greater interest in the bed banks and foreshore of the said river.

Power to alter sewers gas and water pipes &c.

21. In constructing the works by this Part of this Act authorised or any of them the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the said works and also any main or other pipe laid down or used for carrying a supply of water or gas and also any pipe tube cable wire or other conductor or apparatus laid down for the conduct of electricity for any purpose and may remove any other obstruction to the convenient execution of the said

A.D. 1911.

works causing as little detriment and inconvenience as circumstances will admit and making compensation for all damage loss cost and expenses caused by or in consequence of such alteration Provided that nothing in this section shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section Provided further that the Corporation shall not raise sink or otherwise alter the position of any pipe tube wire cable conductor or other apparatus belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Part V.

Tramways.

Power to make tramways.

22. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The tramways hereinbefore referred to and authorised by this Act will be situate wholly within the borough and are—

Tramway No. 1 (1 mile 3 furlongs 4·77 chains or thereabouts in length whereof 3 furlongs 9·3 chains or thereabouts will be double line and 7 furlongs 5·47 chains or thereabouts will be single line) commencing in the Drapery by a junction with the existing tramway at a point 1 chain south of the junction of Mercer's Row with the Drapery passing thence along Drapery Bridge Street South Bridge Cotton End Saint Leonards Road and Towcester Road and terminating in Towcester Road at a point 2 furlongs 6·5 chains south of the junction therewith of Rothersthorpe Road:

Tramway No. 2 (double line 2 furlongs 7 chains or thereabouts in length) commencing in Wellingborough Road by a junction with the terminus of the existing tramway passing thence along Wellingborough Road and terminating therein at a point 2·5 chains east of the north-east corner of Abington Park:

Tramway No. 3 (4 furlongs 5 chains or thereabouts in length whereof 1 furlong 2 chains or thereabouts will be double line and 3 furlongs 3 chains or thereabouts will be single line) commencing in Harborough Road by a junction with the terminus of the existing tramway passing thence along Harborough Road and terminating therein at a point opposite the northern boundary of the premises known as the New Farm Dairy:

Tramway No. 4 (1 mile 5 furlongs 6·5 chains or thereabouts in length whereof 3 furlongs 9·1 chains or thereabouts will be double line and 1 mile 1 furlong 7·4 chains or thereabouts will be single line) commencing in Harborough Road by a junction with the existing tramway at a point ·4 chain south of the junction of Mill Lane with Harborough Road passing thence along Harborough Road Kingsthorpe Grove Gipsy Lane Kingsley Road Abington Grove Abington Avenue Park Avenue and Wellingborough Road and terminating in the last-mentioned road by a junction with Tramway No. 2 at a point ·75 chain south of the junction of Park Avenue with that road:

Tramway No. 4A (single line 1·2 chains or thereabouts in length) commencing in Harborough Road by a junction with the existing tramway at a point 1·15 chains north of the junction of Mill Lane with Harborough Road passing thence into Kingsthorpe Grove and terminating therein by a junction with Tramway No. 4 at a point ·8 chain east of the junction therewith of Harborough Road:

Tramway No. 4B (single line 1·2 chains or thereabouts in length) commencing in Kingsley Road by a junction with Tramway No. 4 at a point 1 chain west of the junction therewith of Kettering Road passing thence into Kettering Road and terminating therein by a junction with the existing tramway at a point ·7 chain north of the said junction of roads:

A.D. 1911.

Tramway No. 4c (single line 1·2 chains or thereabouts in length) commencing in Kettering Road by a junction with the existing tramway at a point ·65 chain south of the junction therewith of Abington Grove passing thence into Abington Grove and terminating therein by a junction with Tramway No. 4 at a point ·9 chain east of the said junction of roads:

Tramway No. 5 (double line 1 furlong ·2 chain or thereabouts in length) commencing in Abington Avenue by a junction with Tramway No. 4 at a point ·8 chain west of the junction of Park Avenue with Abington Avenue passing thence into and along Abington Avenue and Wellingborough Road and terminating in that road by a junction with Tramway No. 2 at the point of junction therewith of Abington Avenue:

Tramway No. 6 (double line 5 furlongs 1·25 chains or thereabouts in length) commencing in Kettering Road by a junction with the terminus of the existing tramway passing along Kettering Road and terminating therein at a point 1 furlong 1·45 chains north-east of the junction of Park Avenue with that road:

Tramway No. 7 (double line 1 furlong 1·04 chains or thereabouts in length) commencing in Weedon Road by a junction with the terminus of the existing tramway passing thence along Weedon Road and terminating therein at a point opposite the western boundary of the Red House public house.

Period for completion of tramways.

23. The tramways shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Certain widenings to be completed before tramways opened.

24. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not except with the approval of the Board of Trade open Tramway No. 1 by this Act authorised for traffic unless and until they shall have widened Bridge Street between Saint John Street and Cattle Market Road so that in no place shall the carriageway be less than twenty-two feet in width from kerb to kerb nor shall the Corporation open Tramway No. 4 by this Act authorised

for traffic unless and until they shall have widened Gipsy Lane so that in no place shall the carriageway be less than twenty-two feet in width from kerb to kerb.

As to electrical works

25. The Corporation may in under or over the surface of the streets or roads in which the Corporation tramways are or will be situate or in which it may be necessary so to do in order to connect the said tramways with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the said tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade.

Incorporation of certain provisions of Order of 1901.

26. The provisions contained in the sections of the Order of 1901 the numbers and marginal notes of which are set forth in this section are so far as applicable hereby incorporated with this Act and shall be read and construed as if those provisions had been expressly re-enacted herein with reference to the tramways and in construing those provisions in their application to this Part of this Act unless the context otherwise requires the expression "the promoters" or "the promoters' lessees" shall be deemed to mean the Corporation and the expression "the tramways" or "the tramways by this Order authorised" shall be deemed to mean the tramways.

The sections hereinbefore referred to are—

Section 7 (Gauge and width of carriages);

Section 8 (Provisions as to construction of tramways);

Section 9 (Rails of tramways);

Section 10 (Penalty for not maintaining rails and roads in good condition);

Section 11 (Tramways to be kept on level of surface of road);

Section 12 (Alteration of tramways);

Section 13 (Crossover roads to be constructed in certain cases);

A.D. 1911.

Section 14 (Additional crossover roads &c. may be made where necessary);
Section 15 (Temporary tramways may be made when necessary);
Section 16 (Application of road materials excavated in construction of works);
Section 17 (Tramways not to be opened until certified by Board of Trade);
Section 18 (Provisions as to motive power);
Section 22 (Byelaws);
Section 23 (Amendment of the Tramways Act 1870 as to byelaws by local authority);
Section 24 (Special provisions as to use of electrical power);
Section 26 (Traffic upon tramways);
Section 27 (Promoters not bound to carry animals goods &c.);
Section 28 (Passengers' fares);
Section 29 (As to fares on Sundays and holidays);
Section 30 (Passengers' luggage);
Section 31 (Cheap fares for labouring classes);
Section 32 (Rates and charges for animals goods &c.);
Section 33 (Payment of rates);
Section 34 (Periodical revision of rates and charges);
Section 35 (Power to Corporation to work tramways);
Section 36 (Regulations);
Section 37 (Working agreements); and
Section 38 (Orders &c. of the Board of Trade):

Provided that section 14 of the Order of 1901 as applied by this Act shall be read and have effect as if the words "with the consent of the Board of Trade" had been inserted therein after the word "Order" where it first occurs in that section.

Corporation may reduce footpath for constructing passing places.

27. The Corporation may for the purpose of constructing additional passing places increase the roadway of any street in which any of the existing tramways of the Corporation are laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramway

by reducing the width of the footpath on each or either side of such street Provided that no footpath shall be so reduced as to be less than five feet wide.

Shelters or waiting-rooms.

28. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may use for that purpose portions of the public streets or roads.

For protection of Postmaster-General.

29.—(A) Notwithstanding anything in this Act or the Order of 1901 contained if any of the works authorised to be executed by this Act or the Order of 1901 involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

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

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

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

(3) Before any electric line is laid down or any act or work for working the Corporation tramways by electricity is done within ten yards of any part of a telegraphic

A.D. 1911.

line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations:

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

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this

section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

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

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

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

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

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

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

A.D. 1911.

(13) Section 25 (For protection of the Postmaster-General) of the Order of 1901 is hereby repealed.

Use of tramway posts by Postmaster-General.

30.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the Corporation tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through

the exercise by the Postmaster-General of the powers conferred by this section:

(D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided:

(I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the

A.D. 1911.

Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramway or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

Attachment of brackets to buildings.

31. Paragraph (c) of section 19 of the Order of 1901 is hereby repealed and the Corporation may with the consent of the

owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the Corporation tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Apparatus used for mechanical power to be deemed part of tramways.

32. Section 21 of the Order of 1901 is hereby repealed and the provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the Corporation tramways.

A.D. 1911.

Purchase of lands by agreement.

33. In addition to the other lands which the Corporation are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of the tramway undertaking any lands not exceeding five acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connection with the tramway undertaking but the Corporation shall not create or permit a nuisance on any such lands.

Penalty for malicious damage.

34. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the Corporation tramways anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramways of the Corporation shall be liable to a penalty not exceeding twenty pounds.

Power to hold patent rights.

35. The Corporation may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for purposes of this Act.

For protection of London and North Western Railway Company.

36. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the North Western Company") shall unless otherwise agreed apply and have effect:—

(1) The Corporation shall construct Tramway No. 1 and the works in connection therewith by this Act authorised so far as the same cross on the level the railway or works of the North Western Company in the line shown upon the deposited plans and according to plans drawings and specifications to be reasonably approved by the principal engineer of the North Western Company (hereinafter referred to as "the said principal engineer") and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway of the North Western Company or with the traffic thereon and if any such obstruction or interference shall be caused or take place the

Corporation shall pay to the North Western Company full compensation in respect thereof:

(2) The said Tramway No. 1 at the said level crossing shall be maintained and kept in constant and efficient repair to the reasonable satisfaction of such principal engineer and by and at the cost of the Corporation:

(3) The carriages used on the said Tramway No. 1 shall not be stopped on or otherwise allowed to interfere with or obstruct the traffic of the North Western Company over the said level crossing and the traffic of the North Western Company shall at all times have precedence of the traffic on the said Tramway No. 1 which traffic shall be subject to such rules and regulations relating thereto as may from time to time be approved by the North Western Company any difference as to such rules and regulations to be determined by the Board of Trade:

(4) If by reason of the construction of the said portion of Tramway No. 1 it shall become necessary to add to or alter any signal or signals signal wires apparatus telegraph or telephone wires or other works upon the said railway of the North Western Company the same shall be so added to or altered by the North Western Company and the reasonable expense thereof shall be repaid to that company by the Corporation:

(5) The said portion of Tramway No. 1 and all works necessary or incident to the construction thereof or affecting the property or works of the North Western Company shall be executed by and in all things at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the said principal engineer:

(6) During the construction of the said portion of Tramway No. 1 across the railway property and works of the North Western Company the Corporation shall bear and on demand pay to that company all reasonable expenses of employment by them of a sufficient number of inspectors and watchmen to be appointed by that company for watching their railway and the works thereof with reference to and during the execution of

A.D. 1911.

the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employment of the North Western Company or their contractors with reference thereto or otherwise:

(7) The Corporation shall pay to the North Western Company any extra cost of the working of their railway at the said level crossing or of their maintenance of the permanent way signals or other works which may be reasonably incurred by that company by reason of the said crossing of Tramway No. 1:

(8) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the North Western Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise in the construction of Tramway No. 1 and the works in connection therewith or by any act or omission of the Corporation in working the said tramway:

(9) The protection afforded to the North Western Company by this section shall not extend to the case of any interference with their wires lines and apparatus or the currents therein to which section 24 of the Order of 1901 (Special provisions as to use of electrical power) incorporated with this Act applies but the North Western Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled:

(10) If any difference shall arise between the Corporation and the North Western Company under this section such difference shall be referred to and determined by the Board of Trade on the application of the Corporation or the North Western Company.

Provision as to general Tramway Acts.

37. Nothing in this Act contained shall exempt the Corporation or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement

of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Part VI.

General Provisions as to Lands and Works.

Power to acquire lands.

38. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the street widenings by this Act authorised or for the purpose of providing space for the erection of buildings adjoining or near to any such street widening.

Period for compulsory purchase of lands.

39. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Persons under disability may grant easements &c.

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

Owners may be required to sell parts only of certain lands and buildings.

41. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or

A.D. 1911.

each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

As to private rights of way over lands taken

42. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided

A.D. 1911.

compulsorily.

that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to retain sell &c. lands.

43. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act or any other local Act (other than lands vested in the Corporation for the purposes of the Education Acts 1870 to 1910 or lands being open spaces or recreation grounds acquired by or vested in the Corporation) and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange Provided that nothing in this section contained shall limit the powers of the Corporation under sections 17 and 18 of the Northampton Corporation Act 1882.

Benefit of improvement to be taken into consideration in fixing compensation for lands required for street widenings.

44. In estimating the amount of purchase money and compensation to be paid by the Corporation in respect of lands acquired for the purposes of or in connection with the street widenings by this Act authorised the benefits accruing to any other property of the person to whom the same shall be paid by reason of the construction of the street widenings shall be fairly estimated and shall be set off against the said purchase money and compensation.

Compensation in case of recently altered buildings.

45. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and ten if in the opinion of such tribunal the improvement alteration or building or the creation

of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

46. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Correction of errors &c. in deposited plans and book of reference.

47. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the

A.D. 1911.

same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Northampton and shall be kept by such clerk of the peace with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Temporary stoppage of streets.

48. The Corporation may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

or protection of Midland Railway Company

49. For the protection of the Midland Railway Company (in this section referred to as "the Midland Company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections apply and have effect unless otherwise agreed between the Corporation and the Midland Company (that is to say):—

(1) The Corporation shall not enter upon take or use any portion of the lands of the Midland Company numbered on the deposited plans 8 9 10 and 11 in the parish of Far Cotton other than the portion thereof coloured red on a plan signed by Alfred Fidler on behalf of the Corporation and William Barton Worthington on behalf of the Midland Company and in the event of the Corporation desiring to acquire the said portion of lands they shall convey to the Midland Company in exchange and full satisfaction therefor the portion of lands coloured green on the said plan:

(2) In the event of the said exchange being made the Midland Company shall forthwith purchase and the Corporation shall sell the portion of lands coloured yellow on the said plan at such price as may be agreed or determined by arbitration as hereinafter provided:

A.D. 1911.

(3) The Corporation shall not enter upon or interfere with the existing goods offices and foreman's house of the Midland Company until new offices in substitution therefor have been erected by the Midland Company and at any time after the conveyance to the Midland Company of the said portions of lands coloured green and yellow the Corporation may require the Midland Company to commence forthwith and with all reasonable despatch complete the erection of new goods offices and foreman's house on the lands coloured green and yellow or such part thereof as the Midland Company think fit and on the completion thereof the Corporation shall pay to the Midland Company the sum of two thousand five hundred pounds:

(4) The Corporation shall construct Tramway No. 1 by this Act authorised so that the passing place shown on the deposited plans opposite the existing entrance to the goods yard of the Midland Company shall either extend in a southerly direction to a point opposite the property numbered on the deposited plans 14 in the parish of Far Cotton or be so constructed that no portion thereof is situate opposite the said entrance:

(5) No carriage used on the tramways shall except in case of emergency be stopped or permitted to be stopped for any purpose whatsoever opposite the said entrance:

(6) If any difference shall arise between the Corporation and the Midland Company under this section the same shall be referred to and determined by a surveyor to be appointed on the application of either party by the President of the Surveyors Institution and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

Power to use land adjoining race ground for municipal purposes

50. Whereas by the Northampton Corporation Act 1882 the lands and hereditaments commonly known as the Northampton Freemen's Commons or Race Ground were transferred to and absolutely vested in the Corporation and the Corporation were also empowered to manage and regulate the said race ground which was by the said Act appropriated and dedicated for ever as and for a public park and recreation ground And whereas the Corporation were also by the said Act empowered to purchase

A.D. 1911.

by agreement and hold the property then vested in or belonging to the company for building and managing the Northampton race stand And whereas by an indenture dated the twenty-seventh day of March one thousand eight hundred and eighty-four the Corporation acquired the said property upon trust for the benefit of the Northampton and Pytchley Hunt Races And whereas the said races have for some years been discontinued and the Corporation have utilised portions of the lands forming part of the said property for the purposes of straightening and improving the boundaries of the said park and recreation ground And whereas certain other portions of the said lands are by reason of their situation unsuited for the purposes of the said race ground and it is expedient that the Corporation should be empowered to appropriate and use the same as herein-after provided Therefore the Corporation may with the consent of the Local Government Board appropriate the lands lying at the south-west corner of the said race ground and to the south and west of the fence extending from the north-east corner of the premises known as "The Poplars" to a point at or near the western end of Watkin Terrace which lands are coloured red on a plan signed in triplicate by Charles Norris Nicholson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (one of which plans has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office) and the Corporation may use the said lands for the purposes of making a road and erecting a swimming bath and gymnasium or either of them or any other building for the purposes of recreation upon which money may be lawfully expended by the Corporation.

Part VII.

Trolley Vehicles.

Power to use trolley vehicles.

51. At any time after the first day of January one thousand nine hundred and thirteen the Corporation may with the consent of the Board of Trade provide maintain and equip but shall not manufacture mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and may use the same upon a route comprising the following streets or roads within the borough (that is to say):—

The Drapery Mercers Row Wood Hill George Row Saint Giles' Square Saint Giles' Street Spencer Parade and Billing Road;

and may subject to the provisions of this Act place erect and maintain in and along the streets and roads forming such route cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles but no post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Board of Trade.

Vehicles not to be deemed light locomotives or motor cars.

52. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles.

Duties on licences for trolley vehicles.

53. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages.

Approval of vehicles by Board of Trade.

54. Trolley vehicles shall be of such form construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no such vehicle (including the weight of its load) shall exceed a weight of five tons.

Corporation not to carry animals and goods.

55. The Corporation shall not carry on the trolley vehicles any goods animals or other things other than passengers and passengers' luggage and small parcels.

Tolls and fares.

56. The Corporation may charge tolls and fares for the use of trolley vehicles not exceeding the tolls and fares which the Corporation could have charged if such vehicles had been tramway cars and the route had been a tramway laid down by the Corporation.

Board of Trade may authorise new routes.

57.—(1) If the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets or roads in this Part of this Act specified) they may

A.D. 1911.

make application to the Board of Trade and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any route or routes within the borough to which such application relates.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(A) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;

(B) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application:

And each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order

comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act:

The Act of Parliament confirming a Provisional Order under this Act shall be deemed a Public General Act.

(7) The making of a Provisional Order under this section shall be primâ facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(8) Any expenses incurred by the Board of Trade in connexion with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connexion with any inquiry under this section shall be paid by the Corporation.

(9) Provided that any Provisional Order obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the borough may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of and pending the construction thereof.

Application of certain provisions of Order of 1901 and this Act to trolley vehicles.

58. The provisions contained in the sections of the Order of 1901 and of this Act the numbers or marginal notes of which are set forth in this section shall so far as applicable apply with reference to the trolley vehicles and the apparatus and equipment for working the same and in construing those provisions in their application to this Part of this Act unless the context otherwise requires the expression "the promoters" or "the promoters' lessees" shall be deemed to mean the Corporation and the expression "the tramways" or "the tramways by this Order authorised" or "the Corporation tramways" shall be deemed to mean the trolley vehicles and the apparatus and equipment for working the same.

The sections herein-before referred to are—

Order of 1901—

Section 17 (Tramways not to be opened until certified by Board of Trade);

Section 18 (Provisions as to motive power);

Section 22 (Byelaws);

Section 23 (Amendment of the Tramways Act 1870 as to byelaws by local authority);

A.D. 1911.

Section 24 (Special provisions as to use of electrical power);

Section 29 (As to fares on Sundays and holidays);

Section 31 (Cheap fares for labouring classes);

Section 35 (Power to Corporation to work tramways);

Section 36 (Regulations); and

Section 38 (Orders &c. of the Board of Trade):

This Act—

As to electrical works;

For protection of Postmaster-General;

Use of tramway posts by Postmaster-General;

Attachment of brackets to buildings;

Apparatus used for mechanical power to be deemed part of tramways;

Penalty for malicious damage;

Power to hold patent rights; and

Application of tramway revenue.

Trolley vehicles to be part of tramway undertaking for all purposes.

59. Trolley vehicles and the apparatus and equipment for working the same shall for all purposes be deemed to form part of the tramway undertaking of the Corporation.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

60. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles and any person except by agreement with the Corporation using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Conveyance of mails.

61. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Accounts.

62. In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connexion with trolley vehicles shall (as far as may be reasonably practicable) be distinguished from the receipts and

expenditure upon or in connexion with the remainder of such undertaking. A.D. 1911.

Lost property.

63. Any property found in any tramcar or trolley vehicle of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramways undertaking.

Part VIII.

Building Regulations.

No building allowed until street defined.

64.—(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.

Area of habitable rooms.

65.—(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.

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

66. 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

A.D. 1911.

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 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 the 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 exceding 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.

As to buildings of iron steel or reinforced concrete.

67. 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 reinforced 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 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.

Means of escape from buildings in case of fire.

68.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) Any person offending 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.

Byelaws as to building materials.

69. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Saving for railway companies.

70. 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 IX.

Streets Sewers and Drains.

As to width of road or lane which

71. 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

A.D. 1911.

becomes a new street.

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 Provided that if and when the land on the opposite side of such road or lane shall be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by any such byelaws.

The provisions of this section shall not extend or apply to any such building (not being a dwelling-house) belonging to or used by a railway company as a part of or in connexion with their railway under any Act of Parliament or to any land on which such building is erected or is in course of being erected.

Corporation may define future line of existing streets.

72.—(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 to be observed on 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 to every owner interested No new building erection excavation or obstruction (being of a permanent character) shall be made 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 such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase-money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

A.D. 1911.

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

(6) Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

Trees or shrubs over hanging streets and footpaths.

73.—(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 three clear days after the service of such notice provided he gives 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 and to award costs such costs to be recoverable as a civil debt Notice

A.D. 1911.

of the right of the owner to appeal shall be endorsed on every requirement of the Corporation under this section.

Power to Corporation to grant licences for bridges over streets.

74. The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting on any street repairable by the inhabitants at large a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without cattle horses carts and carriages by means of a bridge over such street for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given but not exceeding twenty-one years on such terms or at such rent and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit:

Provided that any licence given under this power shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street:

Provided also that in the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1909 be deemed part of the street or road which it crosses:

If any person shall construct such bridge without such licence or shall not construct or use the same in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Restrictions on placing rails beams &c. over across or along streets.

75.—(1) It shall not be lawful for any person to fix or place any overhead rail or beam or other similar apparatus (other than apparatus for telegraphic telephonic or railway signalling purposes) over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to

a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

(2) Nothing in this section shall extend to any apparatus belonging to His Majesty's Postmaster-General.

Forecourts to be fenced off from streets.

76. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public 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 and 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 twenty shillings.

Courts to be flagged.

77.—(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 asphalt 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.

Provisions as to private drains.

78.—(1) In this section the expression "combined drain" means any sewer or drain whether constructed before or after the passing of this Act with which two or more buildings or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time thereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such buildings or premises as aforesaid directly or by means of any other sewer or drain to any public sewer situate under a street repairable by

A.D. 1911.

the inhabitants at large such first-mentioned sewer or drain not being one which has been either—

(A) Constructed to the satisfaction of the Corporation or their predecessors under a private street for the drainage of the premises erected or to be erected therein; or

(B) Constructed by the Corporation or their predecessors for the drainage of the borough; or

(C) Purchased by the Corporation or their predecessors.

(2) For the purposes of the following enactments in their application to the borough (that is to say):—

Sections 15 19 40 41 and 91 of the Public Health Act 1875 and sections 34 35 37 38 and 45 of the Public Health Acts Amendment Act 1907 (if and when applied to the borough)

a combined drain shall be a drain and not a sewer.

(3) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(4) In any case where expenses incurred by the Corporation under section 41 of the Public Health Act 1875 or section 45 of the Public Health Acts Amendment Act 1907 (in relation to a combined drain) are recoverable by the Corporation from the owners of two or more premises belonging to different owners the shares and proportions in which the same shall be recovered from such owners shall be settled by the surveyor of the Corporation or (in case of dispute) by a court of summary jurisdiction and such expenses may be recovered summarily or may be declared by the Corporation to be private improvement expenses under the Public Health Acts and may be recovered accordingly Provided that any person aggrieved by any order or determination of a court of summary jurisdiction made in pursuance of this section may appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.

(5) For the purposes of this section the expression "private street" means a street already constructed or hereafter constructed in accordance with the byelaws of the Corporation with respect to new streets for the time being in force and not being a highway repairable by the inhabitants at large.

Reconstruction of drains.

79.—(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 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 twenty shillings.

Corporation to make communication between drains and sewers.

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

Part X.

Sanitary Provisions.

Regulation dustbins.

81. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins 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 be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

Soil pipes to be ventilated.

82.—(1) The soil pipe of any water-closet 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 (if and when applied to the borough) by such other method as the Corporation shall direct.

(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

A.D. 1911.

exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provisions as to house without water supply.

83. 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 twenty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Sanitary conveniences for workmen engaged on buildings.

84.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the borough shall where practicable 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 for the use of workmen engaged in or upon any such building.

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

Appointment of inspectors of nuisances.

85. The Corporation may appoint and pay as many inspectors of nuisances as may in their judgment be necessary for the proper execution of the provisions of the Public Health Acts and the local Acts in force within the borough.

For regulating manufacture and sale of ice-cream &c.

86.—(1) Any person being a manufacturer or vendor of or merchant 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 dealers in ice-cream.

87.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant 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 for each offence.

Removal of animals suspected of tuberculosis.

88. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from any market of the Corporation all animals which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tubercular disease.

Removal and exclusion from market of animals not fit for food.

89. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from any market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food.

A.D. 1911.

Part XI.

Notification of Tuberculosis.

Provisions for notification of tuberculosis of lung.

90.—(1) (a) Every registered medical practitioner attending on or called in to visit any person within the borough shall forthwith on becoming aware that such person is suffering from tuberculosis of the lung send to the medical officer a certificate on a form to be supplied to him gratuitously by the Corporation stating the name age sex and place of residence and employment or occupation (so far as can be reasonably ascertained) of the person so suffering and whether the case occurs in his private practice or in his practice as medical officer of any hospital public body friendly or other society or institution.

(b) Any such medical practitioner who fails to give such certificate shall be liable on summary conviction to a fine not exceeding forty shillings.

(c) The Corporation shall pay to every such medical practitioner for each certificate duly sent by him in accordance with this section a fee of not exceeding two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any hospital public body friendly or other society or institution.

(d) A payment made to any medical practitioner in pursuance of this section shall not disqualify that practitioner from serving as a member of the Corporation or as a guardian of a union situate wholly or partly in the borough or in any municipal or parochial office.

(2) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any ship vessel boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so

informed the Corporation he fails to have the building or the part thereof disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers of and at the cost of the Corporation under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers of and at the cost of the Corporation under the superintendence of the medical officer.

(b) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause such articles books things bedding or clothing to be delivered over to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable on summary conviction to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and brought back and delivered to the owner free of charge.

(4) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (2) and (3) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

A.D. 1911.

(5) No provisions contained in any general or local Act of Parliament relating to infectious disease shall apply to tuberculosis of the lung or proceedings relating thereto under this section.

(6) All expenses incurred by the Corporation in carrying into effect the provisions of this section shall be chargeable on the district fund and general district rate.

(7) The Corporation shall cause to be given public notice of the effect of the provisions of this section by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained and shall give formal notice thereof by registered post to every medical practitioner in the borough and any other registered medical practitioner known to be in practice in the borough and this section shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

(8) The provisions of this section shall cease to be in force within the borough at the expiration of nine years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

(9) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section as to the giving of public notices have been complied with.

Part XII.

Accident Fund.

Power to create accident fund.

91. 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 but when the fund shall amount to the sum of ten 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 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.

Part XIII.

Finance.

Power to borrow and repayment of borrowed moneys.

92.—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest for the purposes set forth in the first column of the following table on the respective securities set forth in the second column thereof any sums not exceeding the respective sums set forth in the third column thereof and all moneys borrowed under the powers of this subsection shall be repaid within the respective periods set forth in the fourth column of the said table (that is to say):—

Purpose.	Security.	Amount.	Period for Repayment.
(A) For paying the costs charges and expenses of this Act as hereinafter defined	Tramway revenue and borough fund and borough rate and district fund and general district rate	The sum requisite	5 years from the passing of this Act
(B) For the purchase of lands for and for the construction of the street widenings by this Act authorised	District fund and general district rate	70,000*l.*	50 years from the date or dates of borrowing

A.D. 1911.

Purpose.	Security.	Amount.	Period for Repayment.
(C) For construction of the tramways by this Act authorised	Tramway revenue and borough fund and borough rate	69,500*l.*	30 years from the date or dates of borrowing
(D) For equipment of the tramways by this Act authorised	Tramway revenue and borough fund and borough rate	12,000*l.*	15 years from the date or dates of borrowing
(E) For general purposes of the tramway undertaking	Tramway revenue and borough fund and borough rate	30,000*l.*	25 years from the date or dates of borrowing

(2) The Corporation may also with the sanction of the Board of Trade borrow on the security of the tramway revenue and borough fund and borough rate such further moneys as the Corporation may require for any of the purposes of Parts V. (Tramways) and VII. (Trolley Vehicles) of this Act and may with the sanction of the Local Government Board borrow on the security of the district fund and general district rate or such other security as that Board may prescribe such further moneys as the Corporation may require for any other purposes of this Act or for any purpose of the markets undertaking of the Corporation and all moneys borrowed under the powers of this subsection shall be repaid within such periods as those Boards respectively may sanction.

(3) Such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by the other;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund.

(4) The provisions of this section shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Act

93. In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the

powers of the Corporation as to borrowing and reborrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

as to borrowing not to apply.

94. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act.

Provisions of Public Health Act as to mortgages to apply.

95.—(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—

Sinking fund.

(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 hereinafter called a "non-accumulating sinking fund"; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with acumulations 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 hereinafter 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 money for the repayment of which the fund is formed

A.D. 1911.

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 :

(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 with the consent of the Local Government Board 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 that 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 amount as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money 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.

Power to borrow under Local Loans Act 1875.

96. The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same funds rates and revenues as they would be charged upon and paid out of if raised by mortgage under this Act and such funds rates and revenues shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the prescribed period; and

The sections of this Act whereof the marginal notes are "Sinking fund" and "Return to Local Government Board as to repayment of debt" shall apply to any sinking fund provided

A.D. 1911.

by the Corporation for the repayment of any moneys so borrowed by them under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Power to reborrow.

97.—(1) Section 138 (Reborrowing) of the Northampton Improvement Act 1871 and Section 68 (Power to reborrow) of the Northampton Corporation Act 1882 and Section 21 (Power to reborrow) of the Northampton Corporation Waterworks Act 1884 are hereby repealed but without prejudice to anything which may have been done thereunder.

(2) 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

(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.

(3) 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.

(4) 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.

(5) 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.

Appointment of receiver.

98.—(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 one thousand pounds in the whole.

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

Return to Local Government Board as to repayment of debt.

99.—(1) The treasurer shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the treasurer 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 and in the event of his failing to make such return the treasurer 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

A.D. 1911.

return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any 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 Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default 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 Local Government Board out of the High Court.

Audit of accounts.

100. 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.

Corporation may appoint additional auditors.

101. The Corporation may from time to time appoint and pay one or more persons being members of the Institute of Chartered Accountants in England and Wales or of the Incorporated Society of Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in addition to the auditors appointed under the Municipal Corporations Act 1882.

Power to use sinking fund instead of borrowing.

102.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money 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 money either wholly or partially by using for such purpose so much of any money 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.

(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 reborrowing 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 the Board shall require.

Power to use one form of mortgage for all purposes.

103.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of

A.D. 1911.

exercising such power grant mortgages in pursuance of the provisions of this section.

(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 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 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 transfer 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 money 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.

Scheme for fixing equated periods.

104.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the

A.D. 1911.

contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or anulled by any other scheme prepared and confirmed in like manner as the original scheme.

Application of money borrowed.

105. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Corporation not to regard trusts.

106. The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan borrowed given or issued 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 shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trust to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Protection of lender from necessity of inquiry.

107. 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.

Application of tramway revenue.

108.—(1) The Corporation shall apply all money received by them on account of revenue in respect of the tramway 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 tramway undertaking (including the maintenance of so much of the roads in which the Corporation tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870) :

(Secondly) In payment of the interest on moneys borrowed by the Corporation for the purposes of the tramway undertaking :

(Thirdly) In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the tramway undertaking :

(Fourthly) In extending and improving (if the Corporation think fit) any works for the purposes of the tramway 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 tramway undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the tramway undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the tramway undertaking or for payment of the cost of renewing any part of the Corporation tramways or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again

A.D. 1911.

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 borough fund so much of any balance remaining in any year of the income of the tramway 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 tramway undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the tramway undertaking shall be forthwith made good out of the borough fund.

Application of moneys arising from sale of lands &c.

109. The Corporation shall apply all moneys received by them in respect of any sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Corporation on capital account under this Act in or towards paying off any moneys borrowed and for the time being owing by the Corporation under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation on capital account Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

General district rate may be assessed as borough rate.

110.—(1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the several parishes within the borough in the same manner as a borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the borough rate and if any such order be made by the Corporation the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions

as to appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in such parish and such rate may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rate.

(2) In the event of the Corporation making any order in pursuance of this section—

(A) Any other rate for the time being leviable by the Corporation and any water rate rent or charge payable to the Corporation (in this section referred to as "water rates") may be included with the poor rate (but distinguished therefrom) in any book or books of assessment and in one demand note The demand note shall be in such form as the Local Government Board may approve :

(B) The overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under the Public Health Act 1875 and the provisions of section 2 (In default of distress for non-payment of rates justices may issue warrant of commitment) of the Distress for Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply Provided that any provisions limiting the period within which proceedings must be commenced for the recovery of the general district rate in a court of summary jurisdiction shall not apply to the poor rate :

(c) Within the first financial year after the making of such an order the Corporation may notwithstanding anything to the contrary contained in the Waterworks Clauses Act 1847 alter and adjust the dates for the payment and recovery of water rates to correspond as nearly as practicable with the dates and periods for the levying and collection of the poor rate and for the purpose of bringing into operation such adjustment it shall be lawful for the Corporation to demand and recover water rates for two quarters of such financial year at the same time as they are entitled to demand and recover the poor rate and thereafter to demand water rates by two quarterly instalments in advance on the

A.D. 1911.

first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of three months from the said first day of April and first day of October respectively.

Audit of overseers' and rate collectors' accounts.

111.—(1) In the event of the Corporation making an order in pursuance of the section of this Act the marginal note whereof is "General district rate may be assessed as borough rate" the accounts of the overseers and collectors of poor and other rates relating to the general district rate shall be submitted to and be audited by the district auditor in the manner provided by section 37 (Rates made by overseers not now audited made subject to the audit of district auditor) of the Divided Parishes and Poor Law Amendment Act 1876 and that rate shall be deemed to be a rate within the meaning of that section.

(2) The expenses of the overseers in connexion with the assessment levying and collection of the general district rate shall be paid out of the district fund.

(3) The overseers shall prepare and submit to the district auditor at every audit of their accounts a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board in respect of the general district rate One of such duplicates shall have the stamp duty chargeable according to the scale contained in the District Auditors Act 1879 affixed thereon and calculated according to the total of the sums paid to the Corporation during the period to which the statement relates and the provisions of the District Auditors Act 1879 as to the duties of the auditor with reference to such duplicates shall apply as if the said duplicates were prepared and submitted under that Act.

(4) The Corporation shall repay to the said overseers the amount of any stamp duty which may be paid by them upon any financial statement pursuant to the provisions of this Act.

(5) The provisions of section 5 (Regulations as to audit) and section 6 (Stamp duties under Inland Revenue) of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors and to the stamp duty on such financial statements as aforesaid and any overseer who shall fail to comply with the provisions of this Act with respect to a financial statement shall be liable to the penalty provided in section 7 (Failure to submit financial statement) of the last-mentioned Act.

A.D. 1911.

Appointment &c. of officers.

112.—(1) The Corporation may appoint and remove such officers as they deem necessary to assist the overseers of the parishes of Northampton Abington Far Cotton Duston (Saint James) Dallington (Saint James) and Kingsthorpe in the discharge of their duties and fix the remuneration to be paid to such officers.

(2) All officers so appointed shall give such security for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Local Government Board shall report thereon annually to the Corporation The securities shall be deposited with the Corporation and not with the board of guardians.

Owner may be rated instead of occupier in certain cases.

113. On an order being made by the Corporation in pursuance of the section of this Act whereof the marginal note is "General district rate may be assessed as borough rate" the following provisions shall apply and have effect (that is to say) :—

(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the poor borough and general district rates leviable within the borough—

(A) Where the rateable value of the property does not exceed eight pounds; or

(B) Where the premises are let in separate apartments; or

(C) Where the rents are collected weekly:

Provided that where the rateable value of the property does not exceed eight pounds the owner so rated shall be entitled to a deduction of twenty-five per centum from the amount of the rates when paid by him if he shall pay the same within three months after the rate shall have been demanded:

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the

A.D. 1911.

provisions with regard to the rating of owners instead of occupiers which are contained in sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and in section 211 of the Public Health Act 1875:

(3) Unless and until the Corporation exercise the option given to them by this section the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 as amended by the Local Government Act 1894 shall remain in operation and shall extend and apply to the general district rate (in substitution for the said provisions of section 211 of the Public Health Act 1875) in like manner as they apply to the poor rate.

Repeal of section ccxviii. of Act 6 & 7 Vict. c. lxxviii.

114. From and after the first day of October one thousand nine hundred and eleven section ccxviii. (Houses in streets not paved with smooth pavement) of the Act 6 and 7 Victoriæ chapter lxxviii. intituled "An Act for better paving lighting cleansing and improving the town and borough of Northampton" shall be and the same is hereby repealed.

Power to Corporation to subscribe to hospitals.

115. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Corporation to subscribe to any hospital infirmary nursing institution or other institution of a similar character within the borough any sum not exceeding in the whole fifty pounds per annum.

Expenses of execution of Act.

116. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the district fund and general district rate or the borough fund and borough rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Part XIV.

Miscellaneous.

Evidence of appointments authority &c.

117. 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 of 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.

Confirmation of byelaws.

118. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applicable under this Act.

Recovery of demands in county court.

119. 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 the 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.

Recovery of penalties &c.

120. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Appeal.

121. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision 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.

A.D. 1911.

Damages and charges to be settled by court.

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

Authentication and service of notices &c.

123.—(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 of that Act authorised to be served Provided 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 principal office or place of business.

Application of penalties.

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

Persons acting in execution of Act not to be personally liable.

125. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

Inquiries by Local Government Board or

126.—(1) The Local Government Board and the Board of Trade respectively 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 and the Board of Trade respectively shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875. A.D. 1911. Board of Trade.

(2) The Corporation shall pay to the Local Government Board or the Board of Trade (as the case may be) 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.

In executing works for owner Corporation not liable for damages save in case of negligence.

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

Informations by whom to be laid.

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

Powers of Act cumulative.

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

Saving of indictments.

130. 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 shall relieve any person in respect of any such matter from any penal or other

A.D. 1911.

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.

Judges not disqualified.

131. 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.

Crown rights.

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

Costs of Act.

133. 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 revenue of the tramway undertaking of the Corporation or out of the district fund or out of the borough fund or out of any two or all of them in such proportions as the Corporation may by resolution determine or out of the money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Describing Properties of which Portions only may be taken by the Corporation.

Work.	Parish.	Nos. on deposited Plans.
Street widening (Work No. 1)	Northampton - -	52 61 75 85 98 116 117 135 139 146B 146C
Street widening (Work No. 1)	Far Cotton - -	3 4 5 6 17
Street widening (Work No. 2)	Northampton - -	39 45 151 153

THE SECOND SCHEDULE.

Form of Mortgage.

By virtue of the Northampton Corporation Act 1911 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Northampton (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 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]:

A.D. 1911.

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 hands 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 .

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 (hereinafter called "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 county borough of Northampton 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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