CHAPTER ccxvii.

An Act to vest in the Corporation of Nottingham the Nottingham Freemen's Estate; to confer further powers on the Corporation relating to drainage, streets, and other matters of local government, and the borrowing of money; and for other purposes. [10th August 1882.] A.D. 1882.

WHEREAS under or by virtue of the local Acts following viz.:—2 and 3 Victoria chapter 28 intituled "An Act for inclosing "certain lands called the West Croft and Burton Leys in the parish "of Saint Mary in the town and county of the town of Nottingham" 2 and 3 Victoria chapter 32 intituled "An Act for inclosing allot-"ting and improving certain open fields in the parish of Saint Mary "in the town and county of the town of Nottingham" 7 and 8 Victoria chapter 7 intituled "An Act for altering and amending an "Act passed in the 3rd year of the reign of Her present Majesty for "inclosing certain lands in the town and county of the town of "Nottingham" and 8 and 9 Victoria chapter 7 intituled "An Act "for inclosing lands in the parish of Saint Mary in the town and "county of the town of Nottingham" and of the awards respectively made in pursuance of those Acts divers pieces or parcels of land and hereditaments were awarded and allotted under the two first-mentioned Acts unto the trustees appointed for and on behalf of the freemen of the town of Nottingham and certain lands were under the last-mentioned Act allotted to the Freemen's Committee hereinafter mentioned:

And whereas by the personal or private Act 13 Victoria chapter 1 the short title whereof is the Nottingham Freemen's Allotments Act 1850 thirty persons therein named were appointed to be the members of a committee therein (and herein-after) called the Freemen's Committee and provision was made for the appointment of successors to the said thirty persons and by the same Act after reciting the before-mentioned Acts and the awards made in pursuance thereof it was enacted that all and every of the lands and hereditaments vested

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in any person or persons immediately before the passing of that Act in trust for the said freemen should from and after the passing of that Act be and the same were thereby absolutely vested in the committee for the time being appointed and to be appointed by or in pursuance of the directions of that Act and their successors for ever in trust for the said freemen under and subject and according to the powers and authorities rules and regulations in that Act contained and authorised to be made:

And whereas by the last-mentioned Act it was also enacted that all moneys received by the Freemen's Committee or their collectors should be carried to an account to be called "the freemen's fund" and that the surplus thereof (after making certain payments thereout) should be divided into so many sums to be called burgess part payments of not less than ten pounds each as the said committee should think fit which should be respectively allotted by the council of the said town of Nottingham in the same way and manner as burgess parts or money payments in lieu thereof had theretofore been accustomed to be allotted by the Corporation of the said town to such of the senior resident freemen and freemen's widows as in the same Act mentioned or that such surplus should in the discretion of the said committee be appropriated for allotting to each resident freeman or freeman's widow who should be in actual enjoyment of a burgess part or money payment in lieu thereof and to be held and enjoyed therewith such annual payment in money as the said committee might from time to time think proper so that the same together with the value of the said burgess part or money payment should not exceed for each such person the value of twenty pounds per annum:

And whereas the payments to resident freemen and widows of freemen in respect of burgess part payments or otherwise now amount to the sum of eleven pounds per annum for each person and the number of such persons now in receipt of that sum is five hundred and fifty-nine of which three hundred and fifteen are paid wholly by the Freemen's Committee and two hundred and forty-four as to five pounds each by the Corporation out of their bridge and chamber estates and as to the remaining six pounds each by the Freemen's Committee:

And whereas for a considerable time past the said two hundred and forty-four payments of five pounds each amounting to a sum of one thousand two hundred and twenty pounds a year have been paid to the said freemen by the Corporation:

And whereas complaint has arisen of many public evils arising from the distribution of the said small sums of money among the said freemen and widows of freemen and it is expedient that the

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rights and interests of the freemen and Freemen's Committee in and over the said freemen's estate and to the said annual sum of one thousand two hundred and twenty pounds should be extinguished and that the said estate and all moneys and property in the hands of or belonging to the Freemen's Committee should be vested in the Corporation and that instead thereof annuities of the amounts and subject to the conditions in this Act specified should be secured to the freemen and widows of freemen as in this Act provided:

And whereas it is expedient that the additional powers in this Act contained with reference to drainage streets buildings and sanitary matters and the supply of gas and water and to other matters be conferred upon the Corporation:

And whereas it is expedient that the Corporation be authorised to sell let or dispose of certain pieces of land vested in them and described in the Second Schedule to this Act and to make a new appropriation of the rents profits and income of their bridge estate:

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

And whereas the Corporation have funds under their control not derived from rates but applicable for the improvement of the borough and the public benefit of the inhabitants in such manner as the Corporation think best:

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

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

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Nottingham Corporation Act 1882.

Interpretation.

2. In this Act unless the context otherwise requires:—

"The borough" means the borough of Nottingham:

"The Corporation" and "the council" mean the mayor aldermen and burgesses and the council of the borough:

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

"The Municipal Corporations Acts" means the Act of the session of the 5th and 6th years of King William IV. (chapter 76)

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"To provide for the regulation of municipal corporations "in England and Wales" and all Acts amending the same or otherwise relating to municipal corporations in England:

38 & 39 Vict. c. 55.

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

"Freemen" means the freemen of the town of Nottingham whose names for the time being are contained in the freemen's roll and who are for the time being resident in the town of Nottingham and includes their wives:

"Lands" and "premises" include messuages buildings lands easements and hereditaments of any tenure:

"Ashpit" includes any depository or receptacle for ashes dust dirt rubbish soil refuse night-soil dung litter sewage or animal or vegetable matter or filth:

"Cart" includes any vehicle made or used for the conveyance of goods commodities or chattels in a street and whether drawn by animal power or otherwise:

"Carriage" includes any vehicle of what nature soever made or used for the conveyance of persons in a street:

"Driver" means the driver conductor or carter of a carriage or cart or of an animal:

"Street" includes any public highway road lane footway square court alley or passage whether a thoroughfare or not:

"Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such lands or premises were let at a rackrent:

"Court of summary jurisdiction" has the same meaning as in the Summary Jurisdiction Act 1879:

42 & 43 Vict. c. 49.

"Person" includes a corporation.

The several words and expressions to which by the Acts partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless varied by this Act or unless there be something in the subject or context repugnant to such construction Provided that in this Act or any Act partially incorporated with this Act the expression "superior court" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by council.

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

Power of council to appoint committees.

4. The council from time to time subject to the provisions of this Act may appoint out of their own body such and so many committees consisting of such number of persons as they think fit for the execution of any of the purposes of this Act which in the opinion of the council would be better regulated and managed by means of such a committee and may delegate to any such committee such of the powers and duties of the Corporation in relation to the purposes aforesaid as they think fit and the acts and proceedings of every such committee within the limits of such delegation shall be deemed to be acts and proceedings of the council and the acts of every such committee shall if required by the council but not otherwise be submitted to the council for their approval and the quorum of any such committee shall be such as the council direct and the council may from time to time make such regulations as they think fit for the guidance of any such committee and may from time to time remove any members of any such committee and appoint in the stead of them or any of them other members of the council Provided that a committee so appointed shall in no case be authorised to borrow any money or make any rate.

Expenses of execution of Act charged on borough fund &c.

5. The costs charges and expenses from time to time incurred by the Corporation in or about the execution of this Act shall be a charge on the borough fund and general district rate.

Part II.—Freemen's Estate.

Vesting of freemen's estate in Corporation.

6. The lands houses and property commonly called or known as the Nottingham freemen's estate (herein-after referred to as the freemen's estate) and all lands and hereditaments moneys books and property (real and personal) now vested in or belonging to the Freemen's Committee and their successors under or by virtue of the

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Nottingham Freemen's Allotments Act 1850 or otherwise in trust for or for the benefit of the freemen of the town of Nottingham and all the estate and interest therein of the said freemen and widows of freemen are hereby transferred to and absolutely vested in the Corporation free from all trusts and incumbrances in favour or for the benefit and all rights and interests present and future of the said freemen and widows of freemen of and in the said estates and property lands and hereditaments.

Deed of conveyance stamped to be produced to Commissioners of Inland Revenue.

7. Within six months after the passing of this Act the Corporation shall produce to the Commissioners of Inland Revenue a deed of conveyance signed by two or more of the said Freemen's Committee as constituted at the passing of this Act duly stamped and truly stating the consideration which deed may be in the form set forth in the First Schedule to this Act or to the like effect with such variations and additions as circumstances may require and if the Corporation shall not within the said period produce to the said commissioners such deed of conveyance duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from such passing of the Act to the day of payment shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Release of Corporation from payment of £1,220 a year to freemen.

8. From and after the passing of this Act the Corporation shall not pay the said annual sum of one thousand two hundred and twenty pounds or any other sum of money to or for the benefit of the freemen and the Corporation are hereby released and discharged from all liability claims and demands in respect of such annual sum of one thousand two hundred and twenty pounds or any other moneys heretofore claimed by or payable or reputed to have been payable to the freemen or the Freemen's Committee or to any other persons or person in trust for or for the benefit of the freemen.

Annuities to freemen and widows of freemen.

9. The Corporation shall pay from and after the passing of this Act an annuity of the amounts herein-after specified to every freeman and widow of a freeman now in receipt of a burgess part payment or who may become legally entitled thereto but such annuity shall be held subject to the conditions and restrictions to which such burgess part payments are now legally liable and to the conditions and provisions in this Act contained and the Corporation shall allot such annuities to the senior resident freemen or widows of freemen in rotation of admission on the freemen's roll.

Amounts of annuities.

10. The amounts of the said annuities shall be as follows for the year ending the 24th day of December in the present year eleven pounds five shillings for the year ending the 24th day of December

1883 eleven pounds twelve shillings for the year ending the 24th day of December 1884 eleven pounds nineteen shillings and so on increasing in each year by the amount of seven shillings but no annuity shall exceed the value of twenty pounds per annum.

Conditions as to payment of annuities.

11. The payment by the Corporation of annuities in pursuance of this Act shall be subject to the following conditions and provisions:

(A.) The Corporation shall not be required or liable to pay a greater number than five hundred and fifty-nine of such annuities and whenever the number is reduced below five hundred and fifty-nine the Corporation shall immediately allot to persons or a person who would have been legally entitled to burgess part payments or a payment annuities or an annuity so as to make up the full number of five hundred and fifty-nine;

(B.) No freeman or widow of a freeman shall be entitled to an annuity until after the expiration of twenty-eight years in the case of a freeman from the admission of such freeman or in the case of a freeman's widow from the admission of her deceased husband;

(C.) No person bound apprentice after the passing of this Act and no eldest son of a freeman born after the passing of this Act shall be entitled to an annuity.

Times for payment of annuities.

12. The annuities payable under this Act shall be called "Nottingham freemen's annuities" (and are herein-after mentioned as the annuities) and the annuities shall accrue de die in diem and shall be payable quarterly on the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fourth day of December in every year without any deduction whatsoever and the first of such payments shall be made on the first of such days happening after the passing of this Act.

Annuities to be paid in Nottingham.

13. The annuities shall be paid at some convenient place in the town of Nottingham.

Security for annuities.

14. The annuities shall be a first charge upon the revenue of the freemen's estate and lands transferred to the Corporation by this Act and a charge upon the borough fund and general district rate upon which they shall rank next after the charges upon the said fund and rate subsisting at the date of this Act.

Remedy for nonpayment of annuities.

15. If any instalment of an annuity payable under this Act shall be unpaid in the whole or in part for seven days after the day by this Act appointed for payment thereof and after demand thereof in writing the person to whom the same is payable may recover such

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instalment or the part thereof so in arrear by proceedings in any court of competent jurisdiction.

Receiver for annuitants.

16. The annuitants under this Act without prejudice to their other remedies may enforce payment of arrears of their annuities by the appointment of a receiver as if they were mortgagees of the Corporation and the annuities were interest on mortgages and for that purpose the provisions in that behalf applicable of the Companies Clauses Consolidation Act 1845 shall apply mutatis mutandis to the Corporation and the annuitants and the receiver and the amount in arrear to authorise an application for a receiver shall be one thirtieth of the aggregate amount of the freemen's annuities.

8 & 9 Vict. c. 16.

Purchase of annuities by Corporation.

17. The Corporation may from time to time purchase any annuities belonging to any freeman or freeman's widow or his or her prospective right to any such annuity at such price for the same as the annuitants and the Corporation may agree upon and the Corporation shall be entitled to all the rights and privileges of every freeman and freeman's widow whose annuity or prospective right thereto shall have been purchased by the Corporation free from any condition of forfeiture by non-residence by him or her but such purchased annuities shall subject to the provisions of this Act be re-allotted by the Corporation on the respective deaths of the persons whose annuities or prospective annuities shall have been purchased if such persons shall have been in possession or if not in possession then on their respective deaths or times of becoming entitled in rotation to an annuity whichever may last happen. If the date of the death of such annuitant or prospective annuitant is unknown then such death shall be presumed to have occurred when he or she would have attained the age of seventy years Provided always that the transfer to the Corporation of any annuity or prospective right to an annuity shall be effected by a deed truly stating the consideration for the purchase and duly stamped.

Committee to be appointed annually to regulate allotment of annuities.

18. The regulation of the allotment of the annuities shall be vested in a committee to be appointed annually and to consist of thirteen members of whom seven (herein-after called "council members") shall be members of and appointed by the town council and the remaining six (herein-after called "elective members") shall be freemen of the town of Nottingham not being members of the town council. The first council members shall be appointed at the first monthly meeting of the town council after the passing of this Act and shall continue in office until the appointment of the annual committees by the town council in the month of November then next

ensuing and all subsequent committees shall be appointed in the month of November in each year and such committee shall in all respects not otherwise directed by this Act be deemed a committee of the town council.

Meetings for choosing elective members of committee.

19. Within one month after the passing of this Act a meeting of the freemen for choosing the first six elective members shall be convened by the town clerk of the borough by notice stating the object of such meeting and inserted once in each of two successive weeks in a newspaper published in the borough the last of such insertions to be seven days at least before the holding of the meeting. At such meeting the freemen shall elect six elective members who shall continue in office until the day of the appointment of the council members in the month of November 1882. On that day and on the day of the appointment of the council members in every succeeding year or within fourteen days after those days respectively meetings of the freemen to be convened in manner herein-before provided shall be held for the election of six elective members in the place of those going out of office such members if qualified being eligible for re-election.

Nomination and election of elective members of committee.

20. Every candidate for election as an elective member shall be nominated by writing subscribed by two freemen as proposer and seconder which shall be delivered by the candidate or his proposer or seconder to the returning officer at such time and place as he shall appoint. If the number so nominated shall not exceed six such candidates shall be deemed to be elected but if the number so nominated shall exceed six the nominations shall be submitted to the meeting and the election shall be taken by a show of hands as to which the decision of the returning officer shall be final. Provided always that any candidate or in his absence his proposer or seconder shall be at liberty to demand a poll and if a poll is required the votes shall be given in the manner prescribed by section 2 of the Ballot Act 1872 and every freeman shall have one vote for every elective member.

35 & 36 Vict. c. 33.

Returning officer for elections.

21. The town clerk of the borough shall be the returning officer at the elections of elective members and his certificates shall be conclusive evidence of all matters mentioned therein in relation to such elections. And the costs and expenses of the returning officer in and preparatory to such elections shall be paid by the borough treasurer out of the borough fund or general district rate.

Register of annuitants to be kept by Corporation.

22. The Corporation as soon as may be after the passing of this Act shall make and shall alter and correct from time to time as occasion may require a register of the names and ages of all persons

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to whom annuities are payable or have been allotted under this Act and also the names and ages of all persons whose annuities or prospective annuities shall have been purchased by the Corporation with the places of abode of such persons so far as the same can be ascertained the date of admission of such person if a freeman or if a widow the admission of her husband the date of the allotment or purchase and the date of the death of such persons and the said register shall be primâ facie evidence in all courts and for all purposes of the matters contained in such register.

Register to be open for inspection of freemen and freemen's widows.

23. The said register shall be kept at the office of the town clerk and shall be open without payment at all reasonable hours to the inspection of freemen and widows of freemen who shall be entitled to copies thereof or extracts therefrom on payment of charges not exceeding sixpence for every one hundred words.

Power to sell or exchange lands and invest proceeds.

24. The Corporation may from time to time sell exchange or otherwise dispose of any part of the estate and lands vested in them by this Act and may manage and use the same estate and lands with all powers belonging to owners of land in fee simple and all purchase moneys received by the Corporation on any sale or for equality of exchange under this Act shall be distinguished as capital in the separate account by this Act directed to be kept by the Corporation and shall be invested by them upon such and the like securities as the Corporation may then be authorised to invest capital moneys upon under any local Act and the annuities payable under this Act shall be a first charge upon the income of the moneys so received and invested and of the lands purchased or received in exchange.

Power to lease lands.

25. The Corporation when and as they shall think fit from time to time may demise and lease the estate and lands vested in them by this Act or such part or parts thereof as the Corporation shall think it expedient to lease for any term not exceeding ninety-nine years in possession at rackrents without taking any fine or premium and subject to such covenants and conditions as the Corporation shall think fit and may from time to time accept surrenders of leases.

Accounts and property to be kept separate.

26. The Corporation shall keep a separate account of all receipts credits payments and liabilities in respect of the freemen's estate and property transferred to the Corporation by this Act which estate and property shall be separate and distinct from and not liable to the same conditions and restrictions as the other estates and property of the Corporation and such account shall distinguish capital from revenue and be subject to the same provisions as to audit as the other accounts of the Corporation and the surplus rents

profits and income of the freemen's estate and property so transferred after payment out of the same of all charges and outgoings and the interest moneys and the repayment of the principal moneys borrowed under the provisions of this Act for the purposes of the freemen's estate shall be applied and expended by the Corporation in such manner as they shall think best for the improvement of the borough and the public benefit of its inhabitants. Provided that the Corporation before they proceed to apply and expend any portion of such surplus rents profits and income in such manner shall obtain the previous approval of Her Majesty's High Court of Justice to the proposed application and expenditure. Such approbation may be obtained by the Corporation on application to a judge of the Chancery Division of the said court either at chambers or in court and the costs of such application shall be paid out of such surplus rents and profits.

Dissolution of Freemen's Committee and repeal of Act.

27. Subject to the provisions of this Act the Freemen's Committee is hereby dissolved except so far as their continuance may be necessary for the purposes of this Act and the Nottingham Freemen's Allotments Act 1850 is hereby repealed.

Conveyances &c. to remain in force.

28. All conveyances leases deeds appointments contracts agreements bonds covenants securities orders notices resolutions and proceedings made or entered into before the commencement of this Act to with in favour of or by for or on behalf of the said Freemen's Committee and now in force shall be and remain as valid and effectual in favour of or against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the said Freemen's Committee had been party or privy thereto.

Actions, &c. not to abate.

29. Any action suit prosecution or other proceedings whatsoever commenced either by or against the said Freemen's Committee before the passing of this Act shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained prosecuted or continued by in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of the said Freemen's Committee were parties to such action suit prosecution or proceeding.

Rents due at passing of Act to be recoverable by Corporation.

30. All rents dues and moneys which immediately before the passing of this Act are due and payable or accruing due and payable to the said Freemen's Committee shall from and after the passing of this Act be payable to and may be collected and recovered by the Corporation in like manner as any rates may be collected and recovered by the Corporation.

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Debts due to and by Freemen's Committee to be paid to and by Corporation.

31. All persons who immediately before the passing of this Act owe any sum of money to the said Freemen's Committee or to any person on their behalf shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation and all debts moneys and liabilities which immediately before the passing of this Act are due or owing by or recoverable from or enforceable against the said Freemen's Committee or for the payment whereof the said Freemen's Committee are or but for this Act would be liable shall be paid with all interest (if any) due or to accrue thereon by or be recoverable from or enforceable against the Corporation and the Corporation shall observe and perform the undertaking given by the Freemen's Committee or the individual members thereof in a petition preferred to the Chancery Division of the High Court of Justice on the twenty-sixth day of March one thousand eight hundred and seventy-eight and the order made thereon.

Compensation to officers of Freemen's Committee.

32. Full compensation shall be paid by the Corporation to the clerk and solicitor the surveyor the treasurer and the overlooker respectively of the Freemen's Committee in respect of the loss of the whole or part of the emoluments of office by reason of the passing of this Act Such compensation may be by way of annuity or otherwise and shall be paid by the Corporation out of their borough fund and general district rate and the amount of such compensation shall be determined by agreement or in the event of dispute by the Local Government Board Provided that any of the said officers of the Freemen's Committee who shall accept employment in any office of equal value under the Corporation shall be deemed to waive all claim for compensation under this Act.

Part III.—Drainage.

River stream &c. choked up to be a nuisance under 38 & 39 Vict. c. 55.

33. Any river stream dyke drain or watercourse or outfall for water or any part or parts thereof respectively within the borough so choked up with weeds or other growth or so silted up as in either case to lessen the usual and natural flow or effectual drainage of water through the same shall be a nuisance within the meaning of the ninety-first section of the Public Health Act 1875 and all the provisions relating to nuisances of that Act shall apply to every such river stream dyke drain watercourse or outfall for water notwithstanding that the same may not be injurious to health.

Corporation may resolve that watercourses be cleansed by owners or occupiers.

34. Where any river stream dyke drain or watercourse or outfall for water or any wall dam or other defence against water or any part or parts thereof respectively within the borough shall not be cleansed repaired or otherwise maintained in a due state of efficiency

to the satisfaction of the Corporation the Corporation may resolve that such river stream dyke drain or watercourse or outfall for water or such wall dam or other defence against water or such part or parts thereof respectively shall be cleansed repaired or otherwise placed in a due state of efficiency by the respective owners or occupiers of the lands or premises fronting adjoining or abutting thereon within a time to be specified in such resolution.

Specification and estimate of work.

35. The Corporation shall cause a specification of the works required to be executed by the respective owners and occupiers of each property concerned under the last preceding section and an estimate of the probable cost thereof to be made under the direction of the borough surveyor and such specification shall be deposited in the municipal offices in the borough and shall be open during office hours for the inspection of all persons interested therein during the time specified in such resolution.

Notice of resolution and service thereof.

36. The Corporation shall forthwith cause notice of such resolution to be given to all owners and occupiers and other persons interested and service of such notice in manner prescribed by section 267 of the Public Health Act 1875 for service of notices addressed to the owner or occupier of premises shall be sufficient notice under this section.

On failure to comply with resolution Corporation may execute works.

37. If such resolution be not complied with the Corporation may if they think fit execute the works mentioned or referred to therein or any supplementary works necessarily arising from the execution of such works and the expenses incurred by them in so doing shall be recoverable from the owners according to the frontage of their respective lands and premises and in such proportions as may be settled by the borough surveyor or in case of dispute by arbitration in manner herein-after mentioned Provided always that where such expenses have been settled and apportioned by the borough surveyor as payable by any owner such apportionment shall be binding and conclusive on such owner unless within three calendar months from the service on him by the Corporation or the borough surveyor of a statement of the amount settled by the borough surveyor to be due from such owner together with notice of the provisions of this section he shall by written notice dispute the same and every such dispute shall be settled by arbitration in manner provided by the Public Health Act 1875.

Recovery of expenses incurred by Corporation.

38. Any expenses so incurred by the Corporation together with interest at a rate not exceeding five pounds per centum per annum from the date of service of a demand for the same until payment

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thereof shall be recoverable in any court of competent jurisdiction from any owner liable to such expenses.

Corporation may make new drains by consent.

39. The Corporation may make within the borough new drains or waterways in lieu of any existing drains or waterways and may deepen invert widen straighten embank or otherwise alter or improve any watercourse or outfall for water or remove any dam weir or other obstruction to any watercourse or outfall for water or erect any new bank dam or defence against water with the consent of the owners of the lands through which such new drains or waterways or other works are to be made The Corporation with the like consent may stop up and discontinue any drains or waterways which in their opinion have become useless and they may lay culverts along the beds of any drains or waterways and they may fill up any disused watercourse.

Limit of size of new drains, &c.

40. No new drain or waterway or alteration of any existing drain or waterway respectively made under the powers of this Act shall be more than eleven feet wide at the bottom thereof.

Corporation empowered to take proceedings for preventing obstructions in watercourses.

41. The Corporation may either in their own name or in the name of any other person with his consent take such proceedings by indictment action or otherwise as they may deem advisable for the purpose of preventing the obstruction of any watercourse or outfall for water within the borough or for the removal of any obstruction from any watercourse or outfall for water and for preventing the improper storage of the water of any watercourse or outfall for water or for preventing the improper discharge of any storage waters into any watercourse or outfall for water passing through the borough or any part thereof whether such discharge takes place in the borough or not but provided such discharge takes place in the county of Nottingham.

Corporation may divide borough into districts with different flood levels.

37 & 38 Vict. c. cxciv.

42. The Corporation for the purposes of section 32 of the Nottingham Improvement Act 1874 may fix and from time to time vary the flood level or flood levels of the River Trent within the borough and for the purposes of flood levels may divide the borough or any part thereof into districts and the flood level or flood levels in one or more of such districts may be different from the flood levels of others of such districts Provided always that the Corporation shall cause to be prepared a map of the borough on the largest scale then existing of the Ordnance Survey upon which map shall be shown all such districts with the flood levels thereof as fixed or from time to time varied by the Corporation in pursuance of this section and such map shall be deposited at the office of the borough surveyor and shall be open without charge to the inspection of the inhabitants of the borough at all reasonable hours.

Powers as to temporary repairs of private streets.

43. In cases where temporary repairs only are required in any street in the borough not being a highway repairable by the inhabitants at large the Corporation at their own expense may execute such repairs but the execution of such repairs by the Corporation under this section shall not be deemed to amount to or to be evidence of an adoption by them of such street.

Repair of vaults and cellars under streets.

44. The owner of any vault arch or cellar at any time existing under any street in the borough shall keep the same in substantial repair and so as not to occasion any injury to the street and in default of his so doing the Corporation may cause such vault arch or cellar to be substantially repaired and may recover the expenses thereof from the owner of such vault arch or cellar in any court of summary jurisdiction.

Restrictions on making new vaults and cellars under streets.

45. It shall not be lawful to make any new vault arch or cellar under any street in the borough without the written consent of the Corporation nor otherwise than in accordance with the conditions as to construction (if any) laid down by the Corporation and if any vault arch or cellar is made contrary to the provisions of this Act the Corporation may fill up the same and recover summarily the expenses incurred in so doing from the person making such vault arch or cellar.

Duration of approval of new buildings.

46. If an intended building in the borough approved by the Corporation under their building byelaws is not commenced within two years from the time of approval the approval shall at the expiration of that period cease to operate and fresh notice and approval shall be requisite as if notice and approval had never been given.

Dangerous chimneys &c. to be taken down or secured.

47. Where any chimney chimney-pot roof or parapet of any building in the borough is deemed by the mayor on the report of the borough surveyor to be in a ruinous or dangerous state the said surveyor shall immediately give notice thereof to the owner if known and resident within the borough or to the occupier of such building either personally or by leaving the same at or affixed to some conspicuous part of the said building requiring such owner or occupier forthwith to take down repair rebuild or otherwise secure the same to the satisfaction of such surveyor.

If such owner or occupier does not begin to take down repair rebuild or secure the same within four clear days after such notice has been given left or affixed and complete such taking down repairing rebuilding or otherwise securing the same to the satisfaction

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of such surveyor as soon as the nature of the case will admit the surveyor may complain to a court of summary jurisdiction.

The court shall as soon as may be hear the complaint and if any immediate danger is apprehended may order the owner or occupier forthwith to take down shore up or otherwise secure such chimney chimney-pot roof or parapet and in case no immediate danger is apprehended may direct the owner or occupier to take down repair rebuild or otherwise secure the same to the satisfaction of such surveyor within a time to be fixed by the court.

Any person who makes default in complying with an order of the court under this section shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such default continues. Moreover in the event of such default the court may authorise the Corporation to execute any works required for the security of such chimney chimney-pot roof or parapet and the corporation may recover the expenses incurred by them in so doing summarily or as new street expenses.

Where the occupier of any building pays any costs charges or expenses incurred under this section he may deduct the amount thereof out of any rent due or accruing due to the owner of the building and the receipt for such amount shall be a discharge to the occupier for an equivalent amount of rent.

Part V.—New Street Expenses.

Meaning of new street expenses.

48. For the purposes of this part of this Act the expression "new street expenses" shall have the same meaning as in the Nottingham Improvement Act 1874.

Corporation may take payment of new street expenses by instalments.

49. The Corporation may by resolution at any time or from time to time allow to any person liable to the payment of new street expenses time for the payment thereof or any part or parts thereof and may accordingly order the same to be repaid in one sum or by such instalments as the Corporation think fit with such interest for the sum or sums for the time being unpaid as the Corporation may determine not exceeding five pounds per centum per annum but all sums for the time being remaining unpaid shall nevertheless at the expiration of the periods allowed for their repayment be recoverable as the same would have been recoverable had no such time been allowed and with respect to any such instalment the time limited for the recovery of new street expenses shall be deemed to run only from the time when such instalment becomes due.

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Successive owners to continue liable.

50. Successive owners of the premises for or in respect of which any new street expenses have been incurred shall be liable to the Corporation for the payment of the same or such part thereof as may for the time being remain unpaid until the same shall have been fully paid and satisfied and such expenses or such part thereof as may for the time being remain unpaid shall constitute a debt due from each successive owner to the Corporation recoverable from him in a summary manner within six calendar months after his succession and after that period such debt may be recovered by the Corporation from the owner for the time being of the premises in any court of competent jurisdiction Provided that no debt shall be recovered under the provisions of this section after the expiration of six years from the time of the completion of the works in respect of which such debt is due or in the case of payment by instalments after the expiration of three years from the time when any instalment became due.

Power to apply district fund in executing works for private owners. 30 & 31 Vict. c. x.

51. Whenever the Corporation are by the Public Health Acts the Nottingham Improvement Act 1867 the Nottingham Improvement Act 1874 or this part of this Act or any byelaw or regulation for the time being and from time to time hereafter in force authorised to execute re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Corporation execute any works upon the application of or by agreement with the owner of the premises for or in respect of which the same are to be executed the Corporation may apply the district fund or general district rate in or towards the executing re-executing or altering of such work act or thing but this section shall not affect the liability of any such owner occupier or other person to repay the moneys expended by the Corporation.

Part VI.—Sanitary.

Power to enforce conversion of privies &c. into pail-closets or ash-closets.

52. Where any privy or ashpit within the borough is certified by the medical officer of health of the borough or by the surveyor to be prejudicial to health or an annoyance to the public or neighbourhood or to be so situate that the removal of refuse therefrom is prejudicial to health or an annoyance to the public or neighbourhood the Corporation may if they think fit authorise or require the use of a pail-closet or ash-closet and may from time to time order any privy or ashpit to be altered by the owner thereof into a pail-closet or ash-closet according to such system as the Corporation may approve within a reasonable time to be specified in such order and if at the expiration of the time specified in such order the work be not completed or be done contrary to any of the requirements of such order

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the Corporation themselves may do the work and may recover the expenses incurred in a summary manner And the Corporation may prescribe the size and materials of which any pail-closet or ash-closet shall be constructed and the times and mode of removing cleansing preserving and replacing of the pails tubs fittings and appliances of any such closet and the provisions of this Act and subject thereto the provisions of the Public Health Act 1875 with respect to the providing of privies water-closets and earth-closets shall apply mutatis mutandis in the case of pail-closets or ash-closets the use of which may be so required or ordered by the Corporation and the Corporation may if they think fit from time to time provide and maintain pails tubs fittings and appliances for such pail-closets or ash-closets or any or either of them or any part or parts thereof respectively Provided that where the Corporation authorise or require the use of a pail-closet or ash-closet in lieu of a privy or ashpit which has been provided according to a system which the Corporation approved of then and in that case the Corporation shall pay the expense of any such alteration.

Penalty on filling up or embanking ground with offensive matter.

53. It shall not be lawful to raise fill or embank any ground within the borough with any offensive or unwholesome matter and every person who does or causes to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds and a further sum not exceeding forty shillings for every day during which such offensive or unwholesome matter continues unremoved after notice has been given by the surveyor for the removal thereof.

Part VII.—Byelaws.

Byelaws as to space about buildings.

54. The Corporation from time to time may make and vary byelaws to ensure a sufficiency of space about buildings and a free circulation of air around and due and sufficient ventilation of buildings in the borough (except the parishes of Saint Peter and Saint Nicholas and that part of the parish of Saint Mary which was not included in the Local Act 8 and 9 Vict. cap. 7 intituled "An Act "for inclosing lands in the parish of Saint Mary in the town and "county of the town of Nottingham") Provided that such byelaws shall not be inconsistent with the provisions of section 30 of the Nottingham Improvement Act 1874.

Power for Corporation to make byelaws.

55. Subject to the provisions of this Act the Corporation may from time to time make and vary byelaws for all or any of the following purposes (that is to say):

With respect to the floors and timbers of buildings for securing stability and the prevention of fire:

With respect to the height of buildings in new streets:

With respect to the removal from the sites of buildings of offensive or unwholesome waste or refuse and of soil that has been rendered offensive or unwholesome by the deposit thereon of such waste or refuse or of fœcal matters before beginning the foundation thereof:

With respect to the thickness and construction of walls of all ovens and furnaces built after the passing of this Act:

To provide for the exhibition on some conspicuous part of every omnibus plying or standing for hire in the borough of a statement in legible letters and figures of fares to be demanded and received from the persons using or carried for hire in such omnibus:

To provide that every such omnibus shall have a driver and a conductor:

To prescribe the routes by which within the borough any such omnibus may convey passengers:

To fix the points in such routes within the borough at which any such omnibus may stop without being required to take up or set down passengers:

For regulating the pace at which drays and other vehicles laden with goods may be driven through any of the streets of the borough or such of the streets as shall be specified in the bye-laws:

To prevent the exhibition of dangerous or offensive articles and shows upon or within view of streets or public places:

To prevent any picture print board placard or notice cart or carriage used for the purpose of advertising except in such form and manner as may be approved of by the council being placed carried or driven in any street or thoroughfare within the borough.

Application of provisions of 10 & 11 Vict. c. 89. as to hackney carriages &c.

56. The terms "hackney carriage" or "carriages" whenever used in sections 37 39 to 52 (both included) 58 and 60 to 68 (both included) of the Town Police Clauses Act 1847 as incorporated with the Public Health Act 1875 shall (anything in section 38 of the Town Police Clauses Act 1847 notwithstanding) be deemed to include every omnibus wagonette and other carriage plying or standing for hire by or used to carry passengers at separate fares to from or in any part of the borough and the provisions of such sections shall apply to the proprietors and drivers of such omnibuses wagonettes and other carriages Provided that whenever the word "driver" or "drivers" occurs in any of the said sections of the Town Police Clauses Act 1847 it shall be deemed to include every

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conductor of any such omnibus wagonette or other carriage as aforesaid :

A license granted to a driver or conductor of any such omnibus wagonette or other carriage as aforesaid shall only authorise the holder thereof to act as driver or conductor of the description of carriage specified in such license and shall be in force for one year only from the date thereof or until the next general licensing meeting in case any general licensing day be appointed.

Complaints to Corporation of drivers of carriages &c.

57. Whenever complaint is made to the Corporation that any licensed driver or conductor has been guilty in the exercise of his calling of any misconduct or of any contravention of this Act or any byelaw in force within the borough the Corporation may summon such driver or conductor before them appointing a reasonable time and place for the hearing of such complaint and on such hearing the Corporation may suspend the license of such driver or conductor for such period as they may think proper or they may revoke the same Every driver or conductor acting as such after any such suspension or revocation shall be deemed guilty of an offence and be liable to a penalty not exceeding twenty shillings and a further penalty not exceeding twenty shillings for every day during which such offence continues.

Power to reward driver.

58. The Corporation may reward for meritorious conduct any driver or conductor licensed by them.

Authentication and alteration of byelaws.

59. All byelaws made by the Corporation under and for the purposes of this Act shall be under their common seal and any such byelaw may be altered or repealed by a subsequent byelaw made subject to the provisions of this Act and every byelaw made by the Corporation under this Act shall be made subject to and in accordance with the provisions of the Public Health Act 1875 with respect to byelaws as though the same were made under and for the purposes of the said Act and sections 182 to 187 both inclusive of the Public Health Act 1875 shall be applicable to such byelaws accordingly.

Power to impose penalties on breach of byelaws.

60. The Corporation may by any byelaws made by them under this Act impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of five pounds for each offence and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice from the Corporation but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Notices &c. of byelaws.

61. No byelaw made by the Corporation under this Act shall take effect unless notice of intention to make such byelaw has been given in one or more of the local newspapers circulated within the district to which such byelaw relates one month at least before the making of such byelaw and unless for one month at least before the making of such byelaw a copy of the proposed byelaw has been kept at the office of the town clerk and has been open during office hours thereat to the inspection of the ratepayers of the borough without fee or reward The town clerk shall on the application of any such ratepayer furnish him with a copy of such proposed byelaw or any part thereof on payment of sixpence for every hundred words contained in such copy.

Byelaws to be printed &c.

62. All byelaws made by the Corporation under this Act shall be printed and hung up in the office of the town clerk and a copy thereof shall be delivered to any ratepayer of the borough on his application for the same and on payment of the sum of sixpence.

Part VIII.—Gas and Water.

Power for Corporation in certain cases to supply gas and water beyond Corporation's limits of gas and water supply.

63. The Corporation may from time to time contract with any urban or rural sanitary authority or with any other public body or railway company incorporated by Act of Parliament for the supply by the Corporation of gas or water in bulk or otherwise to such authority or body beyond the gas and water limits respectively of the Corporation and by agreement with the owner or occupier of any building or lands not within those limits respectively and not within the gas or water limits respectively as defined by any Local Act of Parliament or Provisional Order confirmed by Act of Parliament of any sanitary authority or other public body authorised to supply gas or water or of any gas or water company for the time being authorised to supply gas or water by Act of Parliament or Provisional Order confirmed by Act of Parliament the Corporation may supply gas or water to him from time to time on such terms and conditions and for such period or periods as the Corporation and such sanitary authority public body railway company owner or occupier as the case may be from time to time agree but the Corporation shall not in any case supply water beyond their water limits so as to interfere with a proper supply for domestic purposes within those limits.

Sale of portions of gas undertaking to sanitary authorities.

64. If at any time after the passing of this Act any sanitary authority within the limits of the gas supply of the Corporation shall give not less than six months notice in writing to the Corporation of their desire to purchase that portion of the gas undertaking of

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the Corporation which is contained within their district and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the said undertaking (except the gasholders and the engines mains and pipes or other apparatus which shall be necessary for supplying with gas any other part of the Corporation's limits of supply) and to supply gas within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers be granted the Corporation shall sell and such sanitary authority shall purchase such portion of the said undertaking (except as aforesaid) within the district of such sanitary authority at such price as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 and the Corporation shall apply the proceeds of any sale under this section in the redemption of gas annuities or the repayment of moneys owing by the Corporation on mortgages debentures or debenture stock for gas purposes or in any manner in which money borrowed for gas purposes may be applied Provided always that after the completion of such purchase all power and obligation on the part of the Corporation to supply gas within such district shall cease and determine.

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

Period for balancing books of gas undertaking. 16 & 17 Vict. c. xi.

65. Section 40 of the Nottingham Gas Act 1853 is hereby repealed and from and after the passing of this Act the prescribed period for balancing the books of the gas undertaking of the Corporation shall be the twenty-fifth day of March in every year or such day as the Corporation may from time to time prescribe.

Part IX.—Financial.

Power to borrow for purposes of freemen's estate.

66. The Corporation may from time to time borrow for the purposes of this Act so far as they relate to the purchase of the freemen's estate such sums of money as they require not exceeding in the whole the sum of two hundred thousand pounds and for the purpose of this section the issue of freemen's annuities under this Act shall during the continuance of such annuities be taken as reducing the amount by this Act authorised to be borrowed to the extent of the capitalised value of the annuities issued such value to be calculated on the basis of twenty-five years purchase But on the purchase by the Corporation of any such annuities except for the purposes of the sinking fund the amount so authorised to be borrowed shall be increased by the amount of the capitalised value of the annuities purchased.

Power to borrow for other purposes.

67. The Corporation may also from time to time with the previous approval of the Local Government Board borrow such sums of money as they require for the execution of all or any of the purposes of this Act other than the purposes of this Act so far as they relate to the purchase of the freemen's estate.

Mode of borrowing. 38 & 39 Vict. c. 83.

68. The Corporation may raise all moneys which they are by this Act authorised to borrow or raise by debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 and the Corporation may charge the borough fund and the general district rate or either of them as security for repayment of the moneys so borrowed with interest.

Payment off of borrowed money.

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

Power to reborrow.

70. The Corporation for the purpose of paying off any moneys borrowed or raised by them by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 may from time to time during the period prescribed by this Act for the repayment of the moneys so borrowed reborrow such amounts as they may require by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or by any two or more of such methods Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made and that the moneys originally borrowed and any amounts from time to time reborrowed under the foregoing provisions for the repayment of such moneys shall for the purposes of sections 14 and 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation with respect to the sinking fund to be set aside for repayment of such moneys and (save as herein-after provided) with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys shall not be in any way affected by reason of such reborrowing If the Corporation elect to pay off any moneys borrowed by them under this Act by the appropriation of an annual sum as provided by section 14 of the Local Loans Act 1875 and any moneys in respect of which the annual sum is appropriated are paid off by means of moneys reborrowed at a different rate of interest than that payable on the moneys paid off by means of such reborrowing the annual

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sum shall be reduced or as the case may be increased by the subtraction therefrom or addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Corporation in consequence of such repayment and reborrowing.

Sinking fund for freemen's annuities.

71. The Corporation shall at the expiration of five years from the passing of this Act out of the revenue of the freemen's estate or out of the general district rates make provision for the extinction of the freemen's annuities by means of a sinking fund appropriated and invested and with the accumulations thereof (if any) from time to time applied for that purpose so as to extinguish or be in a position to extinguish the said annuities within sixty-five years from the passing of this Act and if at the end of that time the said annuities or any of them are not wholly extinguished then the Corporation shall so long as they are liable to pay the same apply in or towards payment thereof the annual income arising from the sinking fund provided under this section Whenever any annuities have been extinguished by means of a sinking fund under this section the Corporation shall thenceforward until all such annuities are extinguished pay into such sinking fund every year in addition to the amounts herein-before required to be appropriated a sum equal to the annual interest which would have been produced by the part of the fund applied in extinguishing such annuities Provided that whenever the annual income of the sinking fund is not less than the amount of the annuities or of so many of them as have not been extinguished the annual sums required by this section to be paid into the sinking fund may cease to be paid.

Investment of sinking funds.

72. The sinking funds prescribed by this Act may with reference to section 15 of the Local Loans Act 1875 be invested by the Corporation (in addition to the securities in that Act mentioned) in any mortgages bonds debenture stock or other securities authorised by Parliament of any municipal corporation or local board or of any company incorporated by Act of Parliament and paying dividends on its original capital.

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

73. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required by this Act to be set apart for the sinking funds or either of them and otherwise applied in repayment of moneys borrowed transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking funds or either of them during the year preceding the making of such return and the description of the securities

upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking funds or either of them and all interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sums required by this Act for the sinking funds or either of them or have applied any portion of the moneys set apart for those funds or any interest thereon to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the respective sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to instalments and appropriations and annual repayments.

Priority of existing mortgages.

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

Corporation may create capital stock under 43 & 44 Vict c. ccviii.

75. With reference to section 42 of the Nottingham Corporation Loans Act 1880 the Corporation for the purpose of raising or securing the moneys by this Act authorised to be borrowed may create and issue capital stock.

Application of money borrowed.

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

Part X.—Miscellaneous.

Fixing date of Local Government Acts coming into force in borough with reference to part of Public Health Act.

77. For the purposes of section 157 of the Public Health Act 1875 the passing of this Act shall be held to be the date at which the Local Government Acts come into force in the borough but this enactment shall not affect the validity of anything done under or with reference to the said section 157 before the passing of this Act.

Application of income of Corporation bridge estate.

78. It shall be lawful for the Corporation from and after the passing of this Act to appropriate and apply the rents profits and income of the Corporation bridge estate :

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First: In providing for the efficient maintenance and repair of the existing Nottingham Corporation Bridge over the River Trent and the approaches thereto:

Secondly: In setting aside annually such sum or sums of money as in the opinion of the Corporation will be sufficient with the accumulations thereof to provide in course of time for the building and construction of such new bridge or bridges over the River Trent with approaches thereto as may be found necessary or desirable: and

Thirdly: The Corporation may apply and expend the residue of such rents profits and income in such manner as they shall think best for the improvement of the borough and the public benefit of its inhabitants.

And the Corporation bridge estate is hereby absolutely freed and discharged from the said sum of one thousand two hundred and twenty pounds or any other sum of money heretofore payable by the Corporation to the freemen or the freemen's committee.

Power for Corporation to sell or let certain lands subject to rights of pre-emption.

79. The Corporation from time to time may sell or lease and dispose of free from all conditions or restrictions now affecting the same the several pieces of land described in the Second Schedule to this Act or any part or parts of such lands respectively and may stop up and extinguish all roads paths rights of way and other rights and easements in and over the two pieces of land described in the said schedule (except the right of way of the trustees under the will of the late Henry Mallet leading from a doorway in the southern boundary of their lands there to the New Basford Road) and the Corporation shall apply and expend the moneys produced by any such sale or lease in or about the providing additional public parks and recreation grounds Provided always that before the Corporation dispose of the piece or parcel of land described in sub-section A of the said Second Schedule they shall first offer to sell the same to John Robinson and Joseph Webster both of Nottingham aforesaid and if the said John Robinson and Joseph Webster be desirous of purchasing the said piece or parcel of land then within six weeks after such offer to sell they shall signify their desire in that behalf to the town clerk on behalf of the Corporation and if they decline such offer or if for six weeks they neglect to signify their desire to purchase the said piece or parcel of land the right of pre-emption of the said John Robinson and Joseph Webster shall cease and a declaration in writing made before a justice of the peace by the town clerk of the said borough stating that such offer was made and was refused or not accepted within six weeks from the time of making the same shall in all courts be sufficient evidence of the facts therein

stated If the said John Robinson and Joseph Webster be desirous of purchasing such land and they and the Corporation do not agree as to the price thereof then the price shall be ascertained and determined by Robert Evans of Nottingham aforesaid architect and surveyor and the costs of such arbitration or reference shall be paid by the Corporation and upon payment or tender to the Corporation of the purchase money so agreed upon or determined as aforesaid the Corporation shall convey the said piece or parcel of land to the said John Robinson and Joseph Webster in proportion to their respective frontages to the said piece or parcel of land by deeds under their common seal in such manner as the said John Robinson and Joseph Webster shall respectively direct Provided also that before the Corporation dispose of the piece or parcel of land described in subsection B of the said Second Schedule they shall first offer to sell to the said trustees under the will of the late Henry Mallet so much thereof as lies between the new road leading from the Gregory Boulevard to New Basford and an imaginary line to be ascertained by extending the line of the main western boundary of the said lands of the said trustees to the said Gregory Boulevard and if the said trustees be desirous of purchasing the said piece or parcel of land then within six weeks after such offer to sell they shall signify their desire in that behalf to the town clerk on behalf of the Corporation and if they decline such offer or if for six weeks they neglect to signify their desire to purchase the said piece or parcel of land the right of pre-emption of the said trustees shall cease and a declaration in writing made before a justice of the peace by the town clerk of the said borough stating that such offer was made and was refused or not accepted within six weeks from the time of making the same shall in all courts be sufficient evidence of the facts therein stated If the said trustees be desirous of purchasing such land and they and the Corporation do not agree as to the price thereof then the price shall be ascertained and determined by Robert Evans of Nottingham aforesaid architect and surveyor and failing him Francis Williamson of the same place architect and surveyor and the costs of such arbitration or reference shall be paid by the Corporation and upon payment or tender to the Corporation of the purchase money so agreed upon or determined as aforesaid the Corporation shall convey the said piece or parcel of land to the said trustees in proportion to their respective frontages to the said piece or parcel of land by deeds under their common seal in such manner as the said trustees shall respectively direct.

Certain parts of 37 & 38 Vict. c. cxciv. incorporated.

80. Sections 123 to 140 (both included) of the Nottingham Improvement Act 1874 so far as those sections are applicable to and

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are not inconsistent with the provisions of this Act are hereby incorporated with this Act.

Entry on lands for purposes of Act.

81. Whenever it becomes necessary for the Corporation or any of their officers to enter examine or lay open any lands or premises for any of the purposes of this Act and the owner or occupier of such lands or premises refuses to permit the same to be entered upon examined or laid open for any of the purposes aforesaid the Corporation may after written notice of three days to such owner or occupier apply to a court of summary jurisdiction for an order authorising the Corporation to enter examine and lay open the said lands and premises for the purposes aforesaid or any of them.

If no sufficient cause is shown against the application the Court may make an order accordingly and on such order being made the Corporation or any of their officers may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine or lay open the lands or premises mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry and of the object thereof be given to the occupier of the premises intended to be entered.

Penalty on obstructing execution of Act.

82. Any person who wilfully obstructs any member of the Corporation or any person duly employed in the execution of this Act or who destroys pulls down injures or defaces any board on which any notice or other matter is inscribed shall if the same was put up by authority of the Corporation be liable for every such offence to a penalty not exceeding forty shillings.

Where the occupier of any lands or premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act any justice to whom application is made in this behalf shall by order in writing require such occupier to permit the execution of any works required to be executed provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act and if within twenty-four hours after the making of the order such occupier fails to comply therewith he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully mis-states the same he shall (unless he shows cause to the satisfaction

of the court for his refusal) be liable to a penalty not exceeding five pounds.

For protection of the Trent navigation.

83. Nothing in this Act shall authorise the Corporation to enter upon or in any way interfere with the Trent navigation or any of the works or property of the company of proprietors thereof nor shall anything in this Act in any way take away lessen alter or prejudicially affect any rights powers privileges duties or obligation of the said company.

General saving for Corporation.

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

Expenses of Act.

85. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act shall be paid by the Corporation out of any funds not derived from rates but which they are empowered to apply for the improvement of the borough and the public benefit of the inhabitants in such manner as the Corporation think best.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FORM OF DEED OF CONVEYANCE OF NOTTINGHAM FREEMEN'S ESTATE.

In pursuance of the Nottingham Corporation Act 1882 and in consideration of the payments by that Act authorised the freemen's committee constituted by the Nottingham Freemen's Allotments Act 1850 do hereby convey assign and transfer unto the mayor aldermen and burgesses of the borough of Nottingham their successors and assigns the Nottingham freemen's estate and all lands hereditaments moneys and chattels vested in the freemen's committee by virtue of the same Act to hold the same unto the said mayor aldermen and burgesses their successors and assigns subject to the provisions of the first-mentioned Act and the said mayor aldermen and burgesses do accept the same accordingly.

In witness whereof the said freemen's committee have hereto set their hands and the said mayor aldermen and burgesses have hereto affixed their common seal this day of 1882.

THE SECOND SCHEDULE.

(A.) All that piece or parcel of land (including the site of the road called Sherwood Rise) situate in the parish of Saint Mary in the said borough and bounded on or towards the east by the Mansfield Road and containing on that side 310 feet or thereabouts bounded on the south by a new road lately laid out and known as the Gregory Boulevard and containing on that side 265 feet or thereabouts bounded on the south-west by a new road leading from Basford into the Gregory Boulevard aforesaid and containing on that side 285 feet or thereabouts and having for its boundary on the north the parish boundary of the parish of Basford in the said borough and containing on that side 496 feet or thereabouts.

(B.) Also all that other piece or parcel of land situate near the above-mentioned piece or parcel of land but divided therefrom by the said new road leading from Basford to the Gregory Boulevard also situate in the said parish of Saint Mary and bounded on the north-east side by the said last-mentioned new road and containing on that side 158 feet or thereabouts bounded on the south by the Gregory Boulevard aforesaid and containing on that side 620 feet

or thereabouts and bounded on the north-west by lands belonging or reputed to belong to Thomas Hallam Thornton Shipham Clarke and the trustees under the will of the late Henry Mallett and containing on that side 554 feet or thereabouts and which two pieces or parcels of land contain in the whole 3 acres 1 rood 31 perches or thereabouts.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.