CHAPTER cxxxv.

An Act to authorise the Corporation of Shrewsbury to construct a weir on the River Severn and for other purposes. [16th August 1909.]

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WHEREAS the borough of Shrewsbury (in this Act referred to as "the borough") is under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") who acting by the council are the council of the urban district which comprises the borough:

And whereas the navigation of the River Severn which flows through the borough for a distance of several miles was by an Act of Parliament passed in the ninth year of the reign of His Majesty King Henry the Sixth declared to be "common to all the King's "liege people to carry and re-carry within the stream of the said "river to Bristol Gloucester and Worcester and other places "adjoining to the said river all manner of merchandises and "other goods and chattels as well in trowes and boats as in "flotes otherwise called drags in every part adjoining to the "said river":

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And whereas the waters of the said river are used by the inhabitants of the borough for boating and other purposes but owing to the deficiency of such waters in the summer months and the irregularity of the flow such use is restricted and interfered with:

And whereas the works by this Act authorised would increase the quantity of water in the river between the site of the works and a point five miles or thereabouts up the river and would greatly improve the condition of the river for sanitary as well

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as boating and other purposes and it is expedient that such works should be carried out by the Corporation:

And whereas the footpaths and the footbridge authorised by this Act will afford additional and improved means of communication between parts of the borough which are now severed by the River Severn:

And whereas it is expedient that such further powers as are in this Act contained for dredging preserving and improving the River Severn should be conferred on the Corporation:

And whereas the construction of the street works by this Act authorised will be of public advantage:

And whereas the Corporation were by the Shrewsbury Electric Lighting Order granted by the Board of Trade and confirmed by the Electric Lighting Orders Confirmation (No. 14) Act 1898 authorised to supply electrical energy for all purposes within the borough and the Corporation have established and are carrying on an electrical undertaking under the said Order and it is expedient that further powers should be conferred upon them with respect thereto:

And whereas the Shrewsbury Joint Burials Committee as successors of the Shrewsbury Burial Board (constituted in the year 1855) are the owners of the cemetery situate in the parish of Meole Brace adjoining the borough:

And whereas the said joint committee is constituted (in pursuance of the Local Government Act 1894) of representatives of the town council of the borough and of the respective parish councils of the parishes of Atcham Bicton Berrington Meole Brace and St. Alkmond in the county of Salop and the expenses of the said joint committee so far as they are not met by burial fees are contributed by the borough and the said parishes in certain proportions:

And whereas it is expedient that the said cemetery should be enlarged and that additional land should be acquired for that purpose as in this Act provided:

And whereas the said cemetery is now used almost entirely for the interment of inhabitants of the borough and of the said parish of Meole Brace:

And whereas it is expedient that provision should be made as in this Act contained for transferring to the Corporation the powers rights and properties of the said joint committee and

for vesting the same in the Corporation and for dissolving that committee :

And whereas it is expedient that the Corporation should be empowered to borrow money for the several works and purposes by this Act authorised :

And whereas it is expedient that the further powers in this Act contained should be conferred on the Corporation :

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

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 and in relation to the purchase of land for and the construction of the dam or weir footbridge footpaths and other works incidental thereto - - - -	11,500
For and in relation to the purchase of land for and the construction of street works -	4,036

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

And whereas the Corporation have raised moneys without statutory authority for the following purposes namely :—

For the purchase of land for and the construction and improvement of the sewage works the sum of thirty-five thousand pounds ;

For and in relation to the purchase of land adjoining the recreation ground near the quarry the sum of one thousand eight hundred pounds ;

For and in relation to the electricity undertaking of the Corporation the sum of three thousand six hundred and seventy-two pounds ;

and it is expedient that the same should be sanctioned and the Corporation should be authorised by this Act to borrow moneys for the purpose of repaying the above-mentioned sums :

And whereas an absolute majority of the whole number of the council at meetings held on the twenty-seventh day of October and the ninth day of November one thousand nine hundred

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and eight after ten clear days' notice by public advertisement of each of such meetings and of the purposes thereof in the Shrewsbury Chronicle a local newspaper published and circulating in the borough such notices being in addition to the ordinary notices required for summoning such meeting passed resolutions in favour of the promotion of the Bill for this Act and resolved that the expense of promoting the said Bill should be charged on the district fund and general district rate:

And whereas such resolutions were published twice in the said Shrewsbury Chronicle and have 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 eleventh day of January one thousand nine hundred and nine being not less than fourteen days after the deposit of the Bill for this Act 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:

And whereas plans and sections showing the lines and levels of the works by this Act authorised and also showing the lands authorised by this Act to be purchased compulsorily together with a book of reference containing the names of the owners and lessees or reputed owners and 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 Salop and are in this Act respectively referred to as the deposited plans sections and book of reference:

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 Shrewsbury Corporation Act 1909.

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Incorporation of Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall apply to the dam or weir and the footbridges by this Act authorised and the works immediately connected therewith.

Interpretation.

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

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

"The borough" means the borough of Shrewsbury ;

"The council" means the town council of the borough ;

"The town clerk" "the surveyor" "the treasurer" "the borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the town clerk surveyor treasurer borough fund borough rate district fund and general district rate of the borough ;

"The burials committee" means the Shrewsbury Joint Burials Committee ;

"Boat" includes any launch house-boat pleasure or other boat punt canoe or craft however propelled ;

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

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

"The local rate" means the general improvement rate levied under the provisions of the Shrewsbury Improvement

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Act 1855 Provided that any limit imposed by the said Act of 1855 on the amount of any rates levied under that Act shall not apply to so much thereof as may be required to be levied for the purposes of this Act;

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

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing 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.

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act—

"The railway" means the dam or weir and the footbridges by this Act authorised; and

"The centre of the railway" means the boundaries of each of those works respectively.

Part II.

Weir and other River Works.

Power to make river works.

4. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in

the deposited book of reference and according to the levels shown on the deposited sections the works following wholly within the borough (that is to say):—

Work No. 1.—A dam or weir (including therein a fish pass and boat roller pass) across the River Severn commencing on the north side of the river in the parish of St. Mary and terminating on the south side in the parish of Holy Cross and St. Giles and being in length one hundred and eighty feet or thereabouts:

Work No. 2.—A footbridge crossing the River Severn at a point about one furlong and two chains higher up the river from the dam or weir above described:

Work No. 3.—A footpath commencing on the north side of the River Severn in the parish of St. Mary crossing the footbridge (Work No. 2) above described and terminating on the south side of the river in the parish of Holy Cross and St. Giles:

And the Corporation may upon the said lands in connexion with the works by this Part of this Act authorised construct and maintain all proper embankments dams locks sluices bye-washes waste-weirs outfalls discharge-pipes bridges roads roadways approaches gates gauges adits shafts tunnels aqueducts culverts cuts catchwaters channels conduits stream diversions drains mains pipes houses buildings engines machinery telegraphs telephones and conveniences connected with or ancillary to the said works or any of them or necessary for inspecting maintaining enlarging repairing cleansing conducting managing working and using the same:

Provided that such telegraphs and telephones shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to deviate.

5. In constructing the works by this Part of this Act authorised or any of them the Corporation may deviate from the lines thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may also deviate from the levels shown on the deposited sections upwards in respect of any works other than Work No. 1 to any extent not exceeding two feet and downwards to any extent.

Power to alter roads and footpaths.

6. During the execution of the several works which the Corporation are by this Part of this Act authorised to make and

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maintain and subject to the provisions of this Act the Corporation may break open cross alter raise lower stop up divert or interfere with any highways streets or roads bridges railways tramroads tramways canals towing-paths rivers sewers drains culverts streams watercourses footpaths ways passages and other places and any gas and water mains pipes and works telegraphic and telephonic pipes lines wires and apparatus in any of the lands shown on the deposited plans and described in the deposited book of reference and with any other works laid or placed in under along or over any such highways streets roads bridges footpaths ways passages and places which the Corporation may from time to time for the purposes of such works find it expedient so to interfere with The Corporation shall provide reasonable access for all persons bonâ fide going to or returning from any house in any such highway street road passage or place and shall in each case do as little damage as possible and shall make full compensation to all persons injuriously affected by the exercise of the powers of this section:

Provided that the Corporation shall not alter raise lower stop up divert or otherwise interfere with any telegraphic or telephonic pipes lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to divert waters.

7. Subject to the provisions of this Act the Corporation may for the purpose of the construction of any works authorised by this Act temporarily divert the waters of the River Severn.

Corporation may use water for motive power.

8. The Corporation during the construction of the works authorised by this Act may take and use water from the River Severn or its tributaries for motive power or other purposes provided that after the same shall have been used it shall be returned to the said river.

Obligations as to construction of a lock.

9.—(1) If at any time after the passing of this Act the Severn Commissioners shall be of opinion that for the conveyance of goods or merchandise upon the River Severn at and near Shrewsbury it is necessary that a lock should be constructed to enable vessels laden with goods or merchandise to pass through or by the dam or weir by this Act authorised to be constructed and shall testify such their opinion by a resolution passed at a general or special meeting of their body duly convened and held in manner provided by the Severn Navigation Acts 1842 to 1890 and shall deliver to the Corporation a copy of such resolution

under the hand of the clerk to the Severn Commissioners the Corporation shall be bound to construct such lock subject and according to the provisions of this section. A.D. 1909.

(2) The said lock if required to be constructed as aforesaid shall be of such dimensions (not exceeding those of the existing lock of the Severn Commissioners on the River Severn at Lincomb near Stourport) and constructed with all such necessary subsidiary works in connection therewith and in such situation and in accordance with such plans sections and specifications as the Severn Commissioners may reasonably require or approve and shall be completed with all due speed and to the reasonable satisfaction of the engineer of the Severn Commissioners and if any further parliamentary powers shall prove necessary for enabling the Corporation to carry out the works the Corporation shall apply for and use their best endeavours to obtain such powers and shall repeat and renew such application if necessary.

(3) After construction of such lock and works as aforesaid the Corporation shall for ever maintain the same and keep them in good repair and allow them to be used without exacting any toll or payment for the same other than such as may be demanded and received in accordance with the provisions of this section.

(4) The Corporation may demand and receive in respect of vessels passing through any lock constructed in pursuance of this section or by or over the said dam or weir such tolls as the Board of Trade may from time to time by order approve and the provisions of this Act applying to roller pass tolls shall so far as applicable apply mutatis mutandis to and with respect to lock tolls so approved by the Board of Trade.

(5) The Corporation may with respect to any lock constructed in pursuance of the provisions of this section make byelaws for all or any of the following purposes (that is to say):—

(A) For the management use safety control and regulation of the persons and vessels (including barges) using or passing through or frequenting or resorting to the lock and the works and conveniences connected therewith or any of them or any part or parts thereof respectively:

(B) For regulating the times at which the persons to whom and the manner in which the lock tolls shall be paid:

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(c) For providing for the appointment of a lock-keeper and investing him with all or any of the powers necessary for the discharge of his duties as such and for prescribing the limits within which his powers may be exercised.

(6) If the Corporation consider that any resolution or requirement of the Severn Commissioners or the withholding of any approval by them under this section is unfair or unreasonable the Corporation may appeal to the Board of Trade and the Board of Trade after making such inquiries as they may deem necessary and after considering any representations which may be made to them in writing by either the Corporation or the commissioners may make such order in the matter as they may in their absolute discretion think fit and such order shall be binding on both the Corporation and the commissioners and the provisions of this section shall be deemed to be modified to such extent (if any) as may be necessary for giving effect to such order.

Construction and maintenance of fish pass.

10.—(1) The Corporation shall construct and maintain a fish pass in and as part of Work No. 1 according to plans and sections approved by the Board of Agriculture and Fisheries and the portion of Work No. 1 in or on which the fish pass will be constructed shall not be commenced until such plans and sections have been so approved.

(2) If the Corporation fail to put the fish pass constructed under this section in a proper and efficient state and condition within a reasonable time after receiving notice of want of repair from the board of conservators for the Severn fishery district the Corporation shall be liable on summary conviction to a penalty not exceeding five pounds for every day during which such default continues and it shall also be lawful for the said board of conservators irrespective of any proceedings for recovery of such penalty to cause to be done any work by this section required to be done by the Corporation and to recover the expense of doing the same from the Corporation summarily as a civil debt.

(3) If any difference arises between the Corporation and the said board of conservators as to the state of repair and condition of the fish pass such difference shall be determined by the Board of Agriculture and Fisheries and the said board of conservators shall not take any proceedings under subsection (2) of this

section except with the sanction of the Board of Agriculture and Fisheries.

(4) This section shall extend to any body to whom the powers of the said board of conservators may be transferred.

Netting of coarse fish.

11. The board of conservators for the Severn fishery district or any body to whom the powers of the said Board may be transferred may whenever they think it desirable to do so for the protection and improvement of the fisheries for salmon or trout take out of the River Severn above the weir by this Act authorised and within the limits specified in section 12 of this Act any freshwater fish subject nevertheless to the provisions of the Salmon and Freshwater Fisheries Acts 1861 to 1907 and any byelaw order or regulation made thereunder.

Power to dredge and deepen portions of River Severn.

12. The Corporation may and they are hereby authorised and empowered from time to time and at all times to dredge scour and deepen and to improve and maintain the bed of the River Severn at and near the sites of the works authorised by this Part of this Act and also between the dam or weir authorised by this Act and a point five miles up the river at Berwick to a minimum depth of five feet at summer level and for that purpose to dredge dig and remove all mud sand soil clay gravel stone or rock within the bed of the river between the points aforesaid and to abate and remove all impediments and accumulations which may obstruct or tend to obstruct the flow of the river.

Corporation may dispose of material dredged.

13. Subject to the provisions of this Act the Corporation may use sell and dispose of in such manner as they may think proper the mud sand soil clay gravel stone rock and other materials dug or dredged by them in carrying the powers of this Act into execution and may enter into and carry into effect agreements with the owner and owners of any land adjoining the River Severn for depositing such mud sand soil clay gravel stone rock and other materials upon the land of such owner or owners.

For protection of riparian owners.

14. In the event of the works by this Act authorised injuring the river bank in front of any lands and property or causing the said bank to be washed away the Corporation will immediately upon receipt of a notice from the owner of such lands or property in writing sent to them or delivered at the town hall at their own expense in all things do and execute all necessary works

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for making good and preventing any such injury or washing away the nature and extent of such injury and washing away and the works so required being settled if not agreed upon by an independent engineer to be appointed (unless agreed upon between the parties) by the Board of Trade and the costs and expenses of the engineer (if any) so employed shall be paid as he may direct and in the event of the Corporation refusing or neglecting for the space of one month to make good any such injury and washing away and to execute such works then the owner aforesaid or his agents may make good all such injury and washing away and execute all such works and upon the completion thereof the Corporation shall on demand pay to the said owner the cost of making good such injury and washing away and of executing such works and all expenses incidental thereto.

Compensation for damage to property on Rivers Severn and Rea.

15. The Corporation shall make compensation to all persons whose property or works situated in upon or adjoining the River Severn or the River Rea or mill stream is or are damaged by reason of the exercise by the Corporation of the powers of constructing the dam or weir or of the power of dredging by this Act conferred Provided that in the assessment of the amount of any such compensation regard shall be had to the protection afforded by the provisions of the section of this Act whereof the marginal note is "For protection of riparian owners."

Period for completion of works.

16. If the works by this Part of this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as are then completed.

For protection of Great Western and London and North Western Railway Companies.

17. For the protection of the Great Western Railway Company and the London and North Western Railway Company (herein-after called "the joint companies") the following provisions shall have effect (that is to say):—

(1) In constructing the dam or weir (Work No. 1) by this Act authorised the Corporation shall provide and maintain sluices in the said dam or weir to enable the Corporation to lower the level of the water under the viaduct carrying the railway of the joint companies over the said river to the ordinary summer level of the river as now existing:

(2) The Corporation shall on receipt of notice from the engineer of the joint companies or the engineer for the time being in charge of that portion of the joint railway lower the water under the said viaduct to the level aforesaid for such period and for such time as the said engineer may reasonably require for the purpose of examining repairing renewing or widening the said viaduct or the works of the joint companies adjoining the River Severn:

(3) Notwithstanding anything in this Act contained the Corporation shall not without the consent in writing of the joint companies first had and obtained dredge scour or deepen the bed of the River Severn at or within 200 yards of the said viaduct and works:

(4) The Corporation shall make compensation to the joint companies for any damage or injury that may be caused to their property or works and pay any additional cost which the joint companies may incur in altering extending or enlarging their railways or works on their said property by reason of the exercise by the Corporation of the powers of this Act for constructing the said dam or weir:

(5) Any dispute or difference which may arise between the joint companies and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any work to be carried out in pursuance thereof shall unless otherwise agreed be settled by arbitration on the application of either party by the President of the Institution of Civil Engineers.

Part III.

Street Works.

Power to make street works.

18. Subject to the provisions of this Act the Corporation in the lines and situations and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference may make and maintain the following street works (that is to say):—

Work No. 5.—A new road not exceeding thirty-six feet in width in the parish of St. Julian in the borough commencing by a junction with Bellevue Road and terminating

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by a junction with the road known as Longden Coleham at a point near the south-western end of Greyfriars Bridge :

Work No. 6.—A new road in the parish of Holy Cross and St. Giles in the borough to form a means of communication between Abbey Foregate and the joint station of the Great Western and London and North Western Railway Companies :

Work No. 7.—A diversion of the footpath in the parish of Meole Brace in the county of Salop crossing the inclosure numbered 192 on the Ordnance map of the said parish (scale $\frac{1}{2500}$ second edition 1902) :

Provided that the Corporation shall erect and for ever maintain a good and sufficient fence on the western side of the footpath when diverted.

Stopping up of diverted footpath.

19. The stopping up of the footpath or portion of footpath number 192 in the parish of Meole Brace shall not take place until two justices shall have certified that the new footpath in lieu thereof has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Corporation shall give to the road authority of the district in which the existing footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the date of the said certificate all rights of way over or along the existing footpath or portion thereof shall be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section 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 deviate.

20. In constructing the works authorised by the foregoing provisions of this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards.

Power to make subsidiary works.

21. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion

with the street works authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said street works and make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said street works or of crossing under or over the same or otherwise and may make and provide toll gates toll houses booking offices and other conveniences and may alter divert stop up inclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer or other property shown on the deposited plans the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer Provided that the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to alter steps areas pipes &c.

22. The Corporation may for the purposes of this Part of this Act raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes or wires which for the purpose of conveying water electricity or gas to any house or other place shall be laid into or from any main cable or pipe laid down by the Corporation and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Temporary stoppage of streets.

23. The Corporation may during the execution and for the purposes of any work by this Part of this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house or railway station 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 railway station.

Period for completion of works.

24. If the works authorised by the foregoing provisions of this Part of this Act are not completed within five years from

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the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Communication between new road (Work No. 6) and railway station.

25. The Corporation and the railway company or companies for the time being owning the joint station of the Great Western and London and North Western Railway Companies at the termination of the new road (Work No. 6) by this Act authorised may at any time enter into and carry into effect agreements for providing and affording facilities including access to the said station for enabling the said road to form a means of communication between Abbey Foregate and the said station for passengers going or returning by rail and for the construction and maintenance of a booking office and other buildings and for the provision of booking clerks and other officials in connexion therewith. The Corporation shall not enter upon take or interfere with any land or property of the said railway companies for the purpose of the construction of the said Work No. 6 until an agreement has been made under the provisions of this section and then only in pursuance of such agreement.

Part IV.

Electricity.

Supply of electricity where consumer has separate supply.

26. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply or the continuance of a supply of electrical energy for premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless he shall have previously agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them to meet the possible maximum demand for those premises and the sum to be so paid shall be determined in default of agreement by arbitration under the Electric Lighting Act 1882.

Electric lighting consumer to give notice to Corporation before removing.

27. Twenty-four hours' notice in writing shall be given to the Corporation by every consumer before he shall quit any premises supplied with electrical energy by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect

of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur Notice of the effect of this enactment shall be contained in or endorsed on every demand note for rent or charges for electrical energy.

Corporation may refuse to supply electrical energy in certain cases.

28. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Discount on electric lighting and power accounts.

29. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electric light or electrical power or energy from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges Provided that the Corporation shall make the same allowance to all consumers under similar circumstances.

Receipts and expenses under this Part of Act.

30.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applied in manner provided by section 7 of the Electric Lighting (Clauses) Act 1899.

Part V.

Recreation Grounds.

Land for recreation ground.

31. The Corporation may after the acquisition thereof lay out as a recreation ground or public walk the whole or any portion of the field or inclosure in the parish of Holy Cross and St. Giles

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numbered 173 on the Ordnance map of that parish (scale $\frac{1}{2500}$ second edition 1902) and may maintain the same as if it had been a recreation ground provided under the Public Health Acts and the provisions of those Acts with respect to recreation grounds (including public walks and pleasure grounds) shall apply to any of the land referred to in this section when appropriated by the Corporation as a recreation ground.

Maintenance of river banks adjoining recreation ground.

32. The Corporation may maintain support and improve the banks of the River Severn where they bound any of the lands referred to in the last preceding section which may be acquired by the Corporation and may construct such embankments walls abutments piles supports and paths as they may consider desirable for the purpose of maintaining supporting or improving the said banks or preventing the flooding of adjoining lands.

Part VI.

Burial Authority.

Corporation to be burial authority for borough.

33.—(1) The Corporation shall be the burial authority for the borough and shall have to the exclusion of every other burial authority all the powers of a burial board under the Burial Acts 1852 to 1906 the provisions whereof shall apply to every cemetery or burial ground for the time being vested in the Corporation.

(2) All the expenses of the Corporation in the execution of the Burial Acts 1852 to 1906 shall be defrayed out of the borough fund.

Dissolution of Shrewsbury Joint Burials Committee and vesting of their property in Corporation.

34.—(1) On and from the passing of this Act the burials committee shall be dissolved and the Shrewsbury Cemetery and all land buildings and other property and rights of the burials committee at that date shall be by virtue of this Act transferred to and vested in the Corporation as the burial authority for the borough.

(2) The byelaws rules regulations orders notices and scales of fees and charges in force at the passing of this Act for or in relation to the Shrewsbury Cemetery shall until altered or revoked continue in force and all fees charges penalties and forfeitures thereby respectively prescribed and imposed shall be paid to and may be recovered and enforced by the Corporation in like manner and in all respects as the same respectively would have been payable to and recoverable and enforceable by the

burials committee if this Act had not been passed and all moneys so paid or recovered shall be carried to the credit of the borough fund. A.D. 1909.

Loans debts and liabilities of burials committee transferred to Corporation.

35. All the debts and liabilities of the burials committee and all debts and liabilities of the parishes comprised within the area of their jurisdiction in relation to the undertaking of the burials committee unpaid and undischarged at the passing of this Act shall be discharged and satisfied by the Corporation out of the borough fund.

Pending actions against burials committee.

36. If at the passing of this Act any action or proceeding or any cause of action or proceeding is pending or existing against or in favour of the burials committee the same shall not abate or be discontinued but the same may be continued prosecuted or enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the burials committee as if this Act had not been passed.

Contracts of burials committee binding on Corporation.

37. All agreements contracts and other instruments affecting the burials committee and in force at the passing of this Act shall be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the burials committee the Corporation had been a party thereto.

Reserving rights of burial in cemetery.

38.—(1) The inhabitants of the parishes of Meole Brace Bicton and St. Alkmond shall have the right of burial in the Shrewsbury Cemetery and any extension thereof.

(2) Except with the consent of the Local Government Board the fees and payments (other than fees for services rendered by any minister of religion or sexton) in relation to the burial of inhabitants of the said parishes in the area of the said cemetery as at present existing shall not exceed those in force at the passing of this Act.

(3) The fees and payments (other than as aforesaid) in relation to the burial of inhabitants of the said parishes in any extension of the said cemetery may if the Corporation think fit exceed by not more than fifty per centum the corresponding fees and payments for the time being in force in relation to the burial of inhabitants of the borough in such extension.

Audit of accounts of burials committee.

39.—(1) The accounts of the burials committee and of their officers up to the passing of this Act shall be audited in like

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manner as heretofore as soon as practicable after that date notwithstanding any statutory provision or regulation as to the time of holding the audit of the accounts of the burials committee to the contrary.

(2) Any officer of the burials committee whose duty it is to make up any accounts or to account for any portion of the receipts or expenditure in any accounts shall until the audit is completed be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Act had not been passed.

Compensation to officers of burials committee.

40. Any officer of the burials committee who shall be in office at the passing of this Act and who shall suffer any pecuniary loss shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall apply accordingly with the substitution of the Corporation for the county council of Salop and the Local Government Board for the Treasury Such compensation may at the option of the Corporation be by way of annuity or by payment of a sum in gross Any such compensation shall be paid by the Corporation out of the borough fund.

Enlargement of cemetery.

41. The Corporation may after the acquisition thereof use the lands described in the First Schedule to this Act for the purpose of the enlargement of the cemetery vested in them by this Act and may lay out and fence the same and execute such works and improvements as may seem desirable to them for the purpose aforesaid Provided always that no part of the said lands shall be used for burial purposes within one hundred yards of any house erected prior to the first day of January one thousand nine hundred and eight or of any garden or pleasure ground occupied therewith except with the consent in writing of the owner lessee and occupier thereof.

Part VII.

Lands.

Power to acquire lands.

42. Subject to the provisions and for the purposes of this Act the Corporation may enter upon take and use all or any of the lands shown upon the deposited plans as being within the limits of land to be acquired by this Act and described in the deposited book of reference Provided that the Corporation shall

not take a larger quantity of the property numbered 3 on the deposited plans than is required for the construction of Work No. 5. A.D. 1909.

Period for compulsory purchase of lands.

43. The powers of the Corporation for the compulsory purchase of lands acquired under this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire additional lands.

44. The Corporation may acquire for the purposes of Parts II. and III. of this Act by agreement and hold either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may take under the powers of this Act any lands not exceeding in the whole ten acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Corporation shall not create or permit a nuisance on any such lands.

Corporation may acquire easements only in certain cases.

45.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

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Persons under disability may grant easements &c.

46. 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.

Consideration for acquisition of lands.

47. The consideration for the acquisition of any land by the Corporation under the powers of this Act may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

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

48. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Fourth Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Correction of errors &c. in deposited

49. 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 county of Salop 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 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 Salop and a duplicate thereof shall be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively 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 by this Act authorised in accordance with such certificate.

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plans and book of reference.

50. 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 acquired by them for the purposes of the Education Acts 1870 to 1907 or taken over by them as successors of a school board 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.

Power to retain sell &c. lands.

Part VIII.

Boats Tolls and River Management.

51.—(1) The Corporation may from time to time demand and receive in respect of pleasure boats passing through by or

Tolls for pleasure boats.

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over the roller pass constructed in connexion with the dam or weir authorised by this Act the tolls or annual payments appointed by the Corporation but not exceeding the amounts mentioned in the Second Schedule to this Act in respect of such pleasure boats.

(2) The Corporation shall at the dam or weir authorised by this Act at all times maintain in an efficient condition rollers for the use of pleasure boats and at all times maintain an unobstructed channel below such weir between the weir and the river and the depth of water sufficient to enable pleasure boats to approach such rollers.

(3) The Corporation shall keep a register in which shall be entered the names and addresses of the owners of pleasure boats in respect whereof any such annual payment as aforesaid has been made to the Corporation.

(4) Every person shall be entitled during office hours to inspect the register of pleasure boats by this section required to be kept on payment of one shilling for every inspection of such register.

Penalty on forcing passage not having paid toll.

52. If any person wilfully and with intent to defraud eludes or evades or attempts to elude or evade the payment of any toll payable under this Act or if any person forcibly passes or attempts to pass any boat through by or over the rollers without having duly paid the full amount of any such toll payable in respect of such boat such person shall for every such offence be liable to a penalty not exceeding five pounds over and above the full amount of such toll.

Tolls at roller pass.

53. The tolls granted by this Act shall be paid before any boat liable to toll is entitled to pass or repass through by or over the roller pass by this Act authorised and may be demanded and taken at the roller pass by such persons as the Corporation from time to time appoint to be the toll collectors.

Application of tolls received.

54. All tolls received by the Corporation in pursuance of the provisions of this Part of this Act shall be carried by them to the credit of the borough fund.

Byelaws as to river.

55. The Corporation may make byelaws to take effect within the borough for all or any of the following purposes (that is to say):—

(1) For the regulation of traffic and boats on the River Severn:

(2) For the safety control and regulation of the persons and boats using or passing over the roller pass by this Act authorised :

(3) For preventing the removal or alteration of any water-mark set up by the Corporation for the purpose of showing the height or depth of water in the river :

(4) For regulating the rate of speed at which boats may proceed :

(5) For regulating the passage of boats on the river approaching any works of improvement during their construction or repair or places where dredging is being done or where operations for the removal of wrecks are being carried on or where wrecks or other obstructions exist :

(6) For preventing boats anchoring mooring or remaining stationary for an unreasonable time in the river or against the banks thereof.

Prohibition of throwing ballast &c. into river or allowing sewage or offensive matter to flow into it.

56. If any person without lawful excuse (the proof whereof shall lie upon him) wilfully does any of the following things within the borough (namely):—

(1) Unloads throws or puts or causes or suffers to fall any gravel or any substance which has been used as ballast or any stones earth mud ashes dirt soil or rubbish or any refuse from gasworks or other manufactories into the River Severn or on the banks thereof ;

(2) Causes or suffers any washing or other substance produced in making or supplying gas or any other offensive matter whether solid or fluid to flow or pass into the River Severn ;

(3) Opens into the River Severn any sewer drain pipe or channel whereby sewage or any other offensive or injurious matter whether solid or fluid shall or is likely to flow or pass into the River Severn ;

(4) Causes or without lawful excuse (the proof whereof shall lie upon him) suffers sewage or any other offensive or injurious matter to flow or pass into the River Severn down or through any sewer drain pipe or channel not at the passing of this Act lawfully used for that purpose ;

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he shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

Ferry boats.

57. The provisions of this Part of this Act shall not extend or apply to any ferry boat or to the rope or other tackle used in connexion therewith.

Part IX.

Financial Provisions.

Power to Corporation to borrow.

58. The Corporation may from time to time borrow at interest on the following securities such sums as shall be requisite for the following purposes (that is to say):—

(1) For paying the taxed costs of this Act on the security of the borough fund and borough rate the sum necessary for the purpose;

(2) For and in relation to the purchase of land for and the construction of the dam or weir footbridge footpaths and other works incidental thereto authorised by this Act on the security of the borough fund and borough rate and the local rate any sums not exceeding in the whole eleven thousand five hundred pounds;

(3) For and in relation to the purchase of land for and the construction of the street works by this Act authorised on the security of the borough fund and borough rate and the local rate any sums not exceeding in the whole four thousand and thirty-six pounds;

(4) For and in relation to the purchase of land for the extension of the cemetery on the security of the borough fund and borough rate the sum necessary for the purpose;

(5) For and in relation to the purchase of land for and the construction and improvement of the sewage works of the Corporation on the security of the sewer rate and the local rate any sums not exceeding in the whole the sum of thirty-five thousand pounds which the Corporation raised for such purposes in the years 1906 and 1907 as reduced by the amounts since repaid by the Corporation in respect thereof;

(6) For and in relation to the purchase of land adjoining the recreation ground near the Quarry on the security

of the borough fund and borough rate and the local rate any sums not exceeding one thousand eight hundred pounds;

(7) For and in relation to the electricity undertaking of the Corporation on security of the revenue of such undertaking and the borough fund and borough rate any sums not exceeding the sum of three thousand six hundred and seventy-two pounds;

(8) And with the sanction of the Local Government Board on the security herein-before prescribed for loans for the respective purposes or if no such security is herein-before prescribed on such security as that Board may prescribe for the respective purposes such further sums as the Corporation may require for any of the purposes of this Act:

And in calculating the sums the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned:

Provided that 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."

Provisions as to mortgages.

59. The following sections of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

shall subject to the provisions of the section of this Act the marginal note whereof is "Power to use one form of mortgage for all purposes" extend and apply to and in relation to all mortgages made under the powers of this Act.

Repayment of borrowed money.

60. All moneys borrowed by the Corporation under the authority of this Act shall be paid off within the periods herein respectively mentioned (in this Act referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purpose marked (1) in the section of this Act the marginal note whereof is "Power to Corporation to borrow" within five years from the passing of this Act;

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As to moneys borrowed for the purposes marked (2) (3) and (4) in the said section mentioned within fifty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes marked (5) in the said section mentioned within twenty-five years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose marked (6) in the said section mentioned within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose marked (7) in the said section mentioned within twenty years from the date or dates of borrowing the same;

And with respect to moneys borrowed by the Corporation under the authority of this Act with the consent of the Local Government Board within such term not exceeding sixty years as the Local Government Board may prescribe.

Mode of payment off of money borrowed.

61. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund.

Sinking fund.

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

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately

invested in any statutory security 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 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 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 interest 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 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 accumulations thereon (in the case of an accumulating sinking fund) will probably 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

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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 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 be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government 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 as the Corporation with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

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

Corporation not to regard trusts.

64. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which

such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books 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.

Return to Local Government Board as to repayment of debt.

65.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is 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 thereunder 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 town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the 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 this Act or by the Local

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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.

Appointment of receiver.

66.—(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.

Power to re-borrow.

67. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Power to borrow under Local Loans Act 1875.

68. 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 section of this Act of which the marginal note is "Sinking fund" shall apply to any sinking fund provided 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 use sinking fund instead of borrowing.

69.—(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 the 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;

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

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

Power to use one form of mortgage for all purposes.

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

(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 common seal of the Corporation and may be made in the form contained in the Third 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 principal sums and interest secured by mortgages granted under this section and all such sums and interest shall be paid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been payable respectively if this section had not been enacted.

(6) 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 person having the custody of the same and refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) 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 Third Schedule to this Act or to the like effect.

(8) 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.

(9) 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.

(10) 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.

Application of money borrowed.

71. 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.

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Application of moneys arising from sale of land &c.

72. 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 such moneys owing under this Act such proceeds shall be applied in or towards paying off any 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.

Expenses of execution of Act.

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

Part X.

Miscellaneous.

Audit of accounts.

74.—(1) From and after the thirty-first day of March nineteen hundred and eleven sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall cease to apply to any accounts of the Corporation or of the treasurer of the borough or of the officers of the Corporation but the accounts of the Corporation and of the treasurer and the officers of the Corporation under any public or private Act of Parliament or otherwise relating to matters dealt with by the Corporation in any capacity and including the accounts of any joint committee and of the officers of any joint committee appointed by the Corporation with the council of any county or of any other borough or with a district council or a parish council shall be audited by a district auditor appointed by the Local Government Board in like manner as accounts of an urban authority and their officers are audited under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to

audit by district auditors including the enactments imposing penalties and providing for the recovery of sums as well as all enactments relating to matters incidental to or consequential upon any such accounts or audit shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of that authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of that audit Provided that for the purposes of this section the First Schedule to the District Auditors Act 1879 shall be modified in the manner described in the Second Schedule to the Local Government Act 1888.

(2) Nothing in subsection (1) of this section shall apply to the audit of the accounts of the Corporation for the financial years ending the thirty-first day of March nineteen hundred and ten and the thirty-first day of March nineteen hundred and eleven and these accounts shall be audited by the elective auditors for the borough elected in the manner provided by sections 25 26 and 27 of the Municipal Corporations Act 1882 as if this Act had not been passed.

Evidence of appointments &c.

75. Where in any legal proceedings taken by or on behalf of the Corporation whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or to prove any resolution of the Corporation or of any committee of the Corporation a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the mayor or town clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication and service of notices &c.

76.—(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

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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.

Inquiries by Local Government Board.

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

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Compensation how to be determined.

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

Saving for indictments.

79. 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 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.

Recovery of penalties &c.

80. Save as otherwise by this Act expressly provided all offences against this Act or any byelaw made in pursuance thereof and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any such byelaw 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. A.D. 1909.

Application of penalties.

81. All penalties and forfeitures imposed and recovered for offences against this Act or any Act wholly or partially incorporated herewith or any byelaw of the Corporation for the time being in force shall be paid to the Corporation and be carried by them to the credit of the district fund.

Recovery of demands in county courts.

82. 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.

Confirmation of byelaws.

83. 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 all byelaws made by the Corporation under the powers of this Act Provided that as respects byelaws made under Parts II. and VIII. (Boats Tolls and River Management) of this Act the Board of Trade shall be substituted for the Local Government Board.

Appeal.

84. 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.

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

85. 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

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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.

For protection of Shrewsbury Gas Light Company.

86. For the protection of the Shrewsbury Gas Light Company (in this section called "the gas company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

(1) Before commencing any works by this Act authorised which will necessitate the alteration of any mains pipes syphons tubes or other works (herein-after called "apparatus") of the gas company the Corporation shall (except in the case of emergency) give to the gas company at least three clear days' notice of the intention to commence such works:

(2) The gas company shall by their own engineer or workmen do and execute such works so far as they interfere with or affect the apparatus of the gas company and the Corporation shall on completion thereof pay to the gas company the reasonable expenses incurred by them in the execution thereof and shall reimburse the gas company for the cost of removing any apparatus which may be rendered useless by reason of any such works and for any loss or damage which the gas company may sustain by reason thereof:

(3) Nothing in this Act contained shall be deemed or construed to prejudice diminish alter abridge or take away any of the rights powers or privileges of the gas company:

(4) If any difference shall arise with respect to any matter under this section between the Corporation and the gas company the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade.

Crown rights.

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

Costs of Act.

88. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act (including the costs charges and expenses preliminary to and of and connected with the compliance with

the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act) or otherwise in relation thereto 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 borough fund and borough rate or out of moneys borrowed under the powers of this Act and shall be apportioned by the Corporation amongst the whole or part of the several undertakings and departments under the control of the Corporation and affected thereby as the Corporation may decide. A.D. 1909.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Cemetery Lands.

All that field in the parish of Meole Brace in the county of Salop numbered 192 on the Ordnance map (scale $\frac{1}{2500}$) of the said parish (Second Edition 1902).

THE SECOND SCHEDULE.

Tolls for Pleasure Boats.

Daily Tickets.

For every steam launch the sum of one shilling:

For every sculling boat pair-oared row-boat skiff randan canoe punt or dinghy the sum of threepence:

For every other kind of boat the sum of sixpence:

The above charges to be for passing once over the rollers or boat pass and returning on the same day.

Annual Payments.

In lieu of the above tolls pleasure boats may be registered on payment to the Corporation of the under-mentioned sums and shall in consideration of such payment pass over the rollers free of any other charge from the 1st day of January to the 31st day of December in each year in which such payment is made:—

For each steam launch the sum of one pound:

For each sculling boat pair-oared row-boat skiff randan canoe punt or dinghy the sum of five shillings:

For every other kind of row-boat or sailing boat the sum of ten shillings.

THE THIRD SCHEDULE.

Form of Mortgage.

Borough of Shrewsbury.

By virtue of the Shrewsbury Corporation Act 1909 and of any other powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Shrewsbury (herein-after called "the Corporation") in consideration of the sum of pounds paid to the borough treasurer by (herein-after called "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 of £ 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 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 town hall Shrewsbury on the day of one thousand nine hundred and :

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 mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk 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 common seal to be hereunto affixed this day of one thousand nine hundred and .

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THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I (the within named of) in consideration of the sum of pounds paid to me by of (herein-after 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 Corporation of Shrewsbury bearing date the day of) and all my right and interest under the same subject to the several conditions on which I held 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 .

THE FOURTH SCHEDULE.

PROPERTIES PARTS OF WHICH MAY BE TAKEN.

Parish.	Numbers.
St. Mary - - - -	7 8 9.
Holy Cross and St. Giles - - -	4 5 6 7 8 11 15 16.
St. Julian's - - - -	3 5 6.

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