CHAPTER xcii.

An Act to extend the Borough of Stockton otherwise called Stockton-on-Tees and for other purposes. A.D. 1889.

[26th July 1889.]

WHEREAS the borough of Stockton otherwise called Stockton-on-Tees in the county of Durham is a municipal borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the said borough are the urban sanitary authority for the district thereof:

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

The Stockton Gas Act 1857; 20 & 21 Vict. c. lii.

The Stockton Gas Act 1866; 29 & 30 Vict. c. cvi.

The Stockton-on-Tees Extension and Improvement Act 1869; 32 & 33 Vict. c. lxxiv.

The Stockton Gas Act 1873; 36 & 37 Vict. c. lxvii.

The Stockton-on-Tees Market Act 1876; 39 & 40 Vict. c. cxviii.

The Stockton and Middlesbrough Corporations Waterworks Act 1876; 39 & 40 Vict. c. ccxxx.

The Stockton-on-Tees Quay and Markets Act 1878; 41 & 42 Vict. c. cxciv.

The Stockton Bridge Act 1881; 44 & 45 Vict. c. cxlvii.

The Stockton and Middlesbrough Corporations Waterworks Act 1884; and 47 & 48 Vict. c. cciii.

The Stockton and Middlesbrough Waterworks Act 1888; 51 & 52 Vict. c. lxxvi.

which Acts are in this Act collectively referred to as "the recited Acts" and each of them separately as an Act of the year in which it was passed:

And whereas the Corporation are the joint owners with the corporation of Middlesbrough and the local board for the district of South Stockton of the water undertaking whereby the said borough and the borough of Middlesbrough and the said district and certain places adjacent thereto are supplied with water under powers contained in the Act of 1876 the Act of 1888 and the South Stockton Local Board Water Act 1884: 47 & 48 Vict. c. clxxiii.

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And whereas the Corporation are the owners of the gas undertaking of the said borough and under the powers of the recited Acts manufacture gas and supply gas in the said borough and in townships and places adjacent thereto:

And whereas the Corporation are also the owners of the markets and quays of the borough:

And whereas it is expedient that the municipal limits of the said borough be extended so as to include the parts of the townships of Stockton in the parish of Stockton-on-Tees and Linthorpe in the parish of Middlesbrough adjoining the existing borough and in this Act particularly described and that so much of the said parishes as is added to the borough be detached from the jurisdiction of the rural sanitary authority of the Stockton Union and the Middlesbrough Union respectively so that the Corporation be constituted the sole sanitary authority within the borough as extended:

And whereas it is expedient to make provision for the representation of the area added to the said borough and for the division into wards of the extended borough:

And whereas the existing borough is a school board district under the Stockton-on-Tees School Board and it is expedient that the district of the Stockton-on-Tees School Board be extended:

And whereas the Corporation are the burial board for the said borough and it is expedient that they be constituted the burial board for the borough as extended:

And whereas it is expedient that the name of the extended borough should be the borough of Stockton-on-Tees:

And whereas under the powers of the Stockton-on-Tees and District Tramways Order 1880 (in this Act called "the Order of 1880") the Tramways Trust Company Limited constructed the tramways by that order authorised in the existing borough and in the parish of Norton:

And whereas under the powers of the Darlington Tramways Order 1880 certain persons therein named constructed the tramways thereby authorised in the borough and parish of Darlington:

And whereas by the Stockton-on-Tees and District Tramways (Extension) Order 1884 (in this Act called "the Order of 1884") the tramways authorised by the foregoing orders and the powers conferred by those orders became vested in the Stockton and Darlington Steam Tramways Company (Limited) and that company (in this Act called "the tramway company") were authorised to extend the first-mentioned tramways into South Stockton and Thornaby:

And whereas at the instance of the debenture holders of the tramway company a receiver and manager of the tramways has

been appointed and the tramway company are now being wound up under the order of the Chancery Division of the High Court of Justice and an official liquidator of the said company has been appointed:

And whereas it is expedient that the Corporation be authorised to purchase upon the terms herein-after mentioned so much of the undertakings of the tramway company as are sanctioned by the Order of 1880 and the Order of 1884:

And whereas it is expedient that the Corporation be authorised to borrow money for the purposes and to the extent herein-after mentioned:

And whereas it is expedient that the Corporation be authorised to exercise their statutory borrowing powers by the creation and issue of redeemable stock:

And whereas a statement of the borrowing powers and indebtedness of the Corporation on capital account subsisting on the twenty-eighth day of February one thousand eight hundred and eighty-nine is set forth in the Fifth Schedule to this Act:

And whereas it is expedient that further powers be granted to the Corporation for the improving and better governing of the borough and that the recited Acts be in divers particulars altered and amended and the powers thereof extended:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the eleventh day of January one thousand eight hundred and eighty-nine after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "North-eastern Daily Gazette" a local paper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said North-eastern Daily Gazette and has received the approval of the Local Government Board in respect of matters under the jurisdiction of that 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 seventh day of May one thousand eight hundred and eighty-nine being not less than fourteen days after the deposit of the Bill in Parliament:

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

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

Part I.—Preliminary.

Short title.

1. This Act may be cited for all purposes as the Stockton-on-Tees Extension and Improvement Act 1889.

Commencement of Act.

2. For the purposes of proceedings preliminary to the municipal elections of one thousand eight hundred and eighty-nine this Act shall take effect on its passing but except for those purposes and except where herein-after expressly provided this Act shall commence on the thirty-first day of October one thousand eight hundred and eighty-nine and that date is in this Act referred to as the commencement of this Act.

Act divided into parts.

3. This Act is divided into parts as follows (that is to say):—

Part I.—Preliminary.
Part II.—Added Area detached from Jurisdiction of Local Authorities &c.
Part III.—Extension of Borough.
Part IV.—Provisions as to Buildings &c.
Part V.—Streets and Highways &c.
Part VI.—Tramways.
Part VII.—Sanitary Provisions.
Part VIII.—Provisions as to Infectious Diseases.
Part IX.—Sewerage &c.
Part X.—Hackney Carriages &c.
Part XI.—Telegraph Wires.
Part XII.—Police.
Part XIII.—Employment of Children.
Part XIV.—Execution of Works and Private Improvement Expenses.
Part XV.—Rates and Finance.
Part XVI.—Corporation Stock.
Part XVII.—Miscellaneous Provisions as to Legal Proceedings Byelaws &c.

Limits of Act.

4. This Act except where otherwise expressly provided shall apply exclusively to the borough.

Interpretation.

5. In this Act unless the subject or context otherwise requires—

"The existing borough" means the municipal borough of Stockton otherwise Stockton-on-Tees as existing at the commencement of this Act;

"The added area" means the area added to the existing borough by this Act;

"The borough" and "the extended borough" means the municipal borough of Stockton-on-Tees as constituted by this Act;

"The Corporation" means the mayor aldermen and burgesses of the existing borough or of the extended borough as the case may require;

"The mayor" means the mayor of the borough;

"The council" means the council of the borough;

"The town clerk" "the surveyor" "the medical officer of health" "the inspector of nuisances" and "the borough accountant" mean respectively the town clerk the surveyor the medical officer of health the inspector of nuisances and the accountant of the borough;

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

"Rural sanitary authorities" means the rural sanitary authority for the Stockton Union and the rural sanitary authority for the Middlesbrough Union so far only as relates to their jurisdiction powers and liabilities in relation to the parts of the added area within those respective unions;

"Local authorities" means and includes the rural sanitary authorities and the surveyors of highways in the several portions of the added area;

"The borough plan" and "the ward plan" respectively mean the plan of the borough and the plan of the wards thereof signed by George Woodyatt Hastings Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred;

"Corporation stock" means Stockton-on-Tees Corporation Redeemable Stock created by the Corporation under the provisions of this Act;

"Statutory borrowing power" means and includes every power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off

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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 this Act or under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Statutory security" means and includes 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 Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation (other than the Corporation) or of any other local authority within section 34 of the Local Loans Act 1875;

"The tramway company" means the Stockton and Darlington Steam Tramways Company (Limited);

"The tramways" or "the tramway undertaking" means the undertaking tramways sidings works approaches and conveniences lands buildings estates plant rolling stock horses and property whether of a real or chattel nature and all the rights powers and privileges whether over their own tramways and works or over other undertakings of or to which the tramway company or the official liquidator or any other person in their right or on their behalf under or by virtue of the Order of 1880 and the Order of 1884 were or was seised possessed or in anywise entitled at the date of the purchase thereof;

"The official liquidator" means the official liquidator of the tramway company;

"Water revenue" and "gas revenue" mean respectively all net moneys received for or in relation to the supply of water or gas respectively other than borrowed moneys and other moneys which ought to be carried to capital account;

"Quay revenue" "market revenue" and "tramway revenue" mean respectively all net moneys received by way of tolls rates rents and charges in respect of the quays markets and tramways respectively;

"Street" applies to and includes any highway and any road public bridge (not being a county bridge) lane footway square

court alley passage whether a thoroughfare or not and whether made before or after the commencement of this Act but shall not apply to nor include the approach road to any railway station;

"Owner" means the person who for the time being receives the rackrent of the lands with reference to which that term is used whether on his own account or as agent or trustee for any other person or who would so receive the same if the lands were let at a rackrent;

"Rackrent" means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year after deducting therefrom all usual tenants rates and taxes and tithe commutation rentcharge (if any) and the probable average annual cost of the repairs insurance and other expenses (if any) necessary to maintain the same in a state to command such rent;

"Sanitary purposes" includes the making and maintaining of streets and highways private improvements lighting scavenging water supply sewerage prevention of nuisances the preservation of the health and the improvement of the borough;

"Sanitary expenses" means expenses incurred for sanitary purposes;

"Food" includes every article other than water used for food or drink by man;

"Infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious;

"Daily penalty" means a penalty to accrue for each day any offence shall continue after conviction therefor;

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

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same or otherwise relating to municipal corporations in England;

"The Education Acts" means the Elementary Education Act 1870 and any Act amending the same;

"The Education Department" means the Lords of the Committee of Privy Council on Education;

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"The Burial Acts" means the Burial Acts 1852 to 1871 and any Acts amending the same;

The expressions "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction.

Repeal of sections of Act of 1869.

6. The following sections of the Act of 1869 are hereby repealed (that is to say):—

Section 6 (discontinuance of Public Health Acts);
Section 69 (height of buildings in new streets);
Section 74 (width of streets and height of buildings);
Section 112 (certificate of completion of new houses); and
Section 244 (occupier in default of owner may execute works and deduct expenses from his rent):

But such repeal shall not affect—

Anything already duly done or suffered;
Any obligation liability or penalty already acquired accrued or incurred;
Any investigation legal proceeding or remedy in respect of any such obligation liability or penalty; or
The proof of any past act or thing.

Act to be executed by council.

7. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts Public Health Acts and the Burial Acts respectively and other Acts for the time being affecting the Corporation as a municipal body sanitary authority and a burial board respectively.

Part II.—Added Area detached from Jurisdiction of Local Authorities &c.

Added area detached from jurisdiction of local authorities.

8. From and after the commencement of this Act the added area is hereby detached from the jurisdiction and powers of the local authorities.

Property of local authorities &c. transferred to Corporation.

9. Subject to the provisions of this Act and from and after the commencement thereof all property real or personal (including choses in action) rights privileges powers remedies duties liabilities and easements whatsoever which immediately before the commencement of this Act belonged to or were vested in or enjoyed by the local authorities respectively in respect or on behalf of the added

area or any part thereof or any person on their behalf respectively shall be and the same are hereby as from that date vested in the Corporation to the same extent and for the same estate and interest as the same respectively were at the time of the commencement of this Act vested in the local authorities respectively in respect or on behalf of the portions of the added area under their respective jurisdiction or any person on their behalf respectively and may be held recovered used and enjoyed and shall be undertaken exercised and performed accordingly. A.D. 1889.

Conveyances &c. to remain in force.

10. Subject to the provisions of this Act all conveyances leases deeds appointments contracts agreements mortgages bonds covenants guarantees securities orders notices resolutions and proceedings made or entered into before the commencement of this Act to with in favour of or by for or on behalf of the local authorities respectively in respect or on behalf of the added area or any person on their behalf respectively and then in force shall be and remain as good valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if this Act were not passed or as if the Corporation instead of the local authorities respectively in respect or on behalf of the added area or any part thereof had been party or privy thereto.

Actions &c. not to abate.

11. Any action suit prosecution or other proceedings whatsoever commenced either by or against the local authorities respectively in respect or on behalf of the added area before the commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained prosecuted or continued by in favour of or against the Corporation in like manner to all intents and purposes as if this Act were not passed or as if the Corporation instead of the local authorities respectively in respect or on behalf of the added area were parties to such action suit prosecution or proceedings.

Rates due at passing of Act to be recoverable.

12. All rates tolls dues rents and moneys which immediately before the commencement of this Act are due and payable or accruing due and payable to the local authorities respectively in respect or on behalf of the added area or any part thereof shall from and after the commencement of this Act be payable to and may be collected and recovered by the Corporation in like manner as any rates under this Act may be collected and recovered by them.

Debts due to and by the local authorities

13. All persons who immediately before the commencement of this Act owe any sum of money to the local authorities respectively in respect or on behalf of the added area or any part thereof or to

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to be paid to and by the Corporation.

any person on their behalf respectively shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation and subject to the provisions of this Act all debts and moneys which immediately before the commencement of this Act are due or owing by or recoverable from the local authorities respectively in respect or on behalf of the added area or any part thereof or for the payment whereof the local authorities respectively in respect or on behalf of the added area or any part thereof are or but for this Act would be liable shall be paid with all interest (if any) due or to accrue thereon by or be recoverable from the Corporation.

Byelaws and regulations &c. repealed.

14. All byelaws rules regulations and orders made by the local authorities respectively in respect or on behalf of the added area or any part thereof under any Act of Parliament and in force at the commencement of this Act are hereby repealed and annulled but all penalties incurred thereunder and all forfeitures which have ensued by reason thereof shall be enforced recovered and applied by the Corporation in like manner and in all respects as the same respectively might have been enforced recovered and applied in case this Act had not been passed.

Books to be evidence.

15. All books and other documents directed or authorised to be kept by the local authorities respectively by any Act of Parliament and which at the commencement of this Act would be receivable in evidence shall notwithstanding the annulling of the jurisdiction of the local authorities as aforesaid be admitted as evidence before all judicial tribunals and elsewhere.

Audit of accounts of local authorities.

16. The accounts of the local authorities up to the time of the commencement of this Act shall be audited in like manner and subject to the like right of appeal as if this Act had not been passed and the provisions of section 247 of the Public Health Act 1875 and of the District Auditors Act 1879 and any regulations duly issued by the Local Government Board with respect to the audit of accounts of rural sanitary authorities and of their respective officers shall extend and apply to such audit.

Part III.—Extension of Borough.

Extension of borough.

17. The borough shall comprise the existing borough and the townships and parts of townships described in Part I. of the First Schedule to this Act.

The boundaries of the extended borough are shown on the borough plan but if there be any discrepancy between the plan and the description in the said schedule the description shall prevail.

Name of borough &c. altered.

18.—(1) The name of the extended borough shall be "the borough of Stockton-on-Tees" and the name of the Corporation shall be "the mayor aldermen and burgesses of the borough of Stockton-on-Tees."

(2) The alteration in the name of the existing borough and of the Corporation shall not affect any rights powers authorities privileges duties or obligations of the Corporation in any capacity nor any grant of arms to the Corporation or render defective any proceedings instituted by or against the Corporation in any capacity and any legal proceedings may be continued or commenced against the Corporation under their new name which might have been continued or commenced against the Corporation under their former name.

Corporation to obtain new common seal.

19. As soon as conveniently may be after the commencement of this Act the Corporation shall obtain a new common seal similar to their seal in use at the passing of this Act but with the altered name of the borough thereon and thereupon the said seal now in use shall be destroyed in the presence of the mayor and the town clerk and the said new seal shall be the common seal of the Corporation of Stockton-on-Tees.

Corporation property &c. vested for benefit of extended borough.

20. Subject to the provisions of this Act all the real and personal property at the commencement of this Act vested in the existing Corporation or council in any capacity or in any trustees committee or society for educational or charitable purposes for the benefit of the existing borough are hereby as from that date vested in the Corporation or the council or such trustees committee or society as the case may require for the benefit of the extended borough and all rights privileges benefits and advantages (except the parliamentary franchise) possessed or enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough but subject to all debts liabilities interests and obligations affecting the same or any part thereof or the existing Corporation or council or such trustees committees or society in respect thereof:

Provided always that this enactment shall not affect the construction or administration of any charity within the existing borough or within the parish of Stockton but that the same shall remain under the same management and be administered for the benefit of the same objects as if this Act had not been passed.

Authority of Corporation &c. extended.

21. All the powers rights privileges authorities immunities and duties of the existing Corporation as a municipal body and of the existing council and any committee thereof and of the existing Corporation acting in the execution of such enactments as were at

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the commencement of this Act in force within the existing borough and of the existing Corporation acting by the council or any committee thereof as the urban sanitary authority for the district of the existing borough and as the burial board for the existing borough and of the mayor and of all officers and servants of the existing Corporation shall subject to the provisions qualifications and exceptions in this Act contained extend to and throughout the borough and all charters enactments and byelaws at the commencement of this Act applicable to the existing borough shall subject to the provisions of this Act extend and apply to the borough.

Jurisdiction &c. of borough justices.

22. The jurisdiction powers authorities rights privileges and duties of the justices of the peace appointed for the existing borough and of the clerk to such justices whether acting in petty sessions or out of sessions or otherwise shall extend to and throughout the borough.

Extended borough to be a school district.

23.—(1) For the purposes of the Education Acts and subject to the provisions qualifications and exceptions in this Act contained the extended borough shall from and after the commencement of this Act be a school district and the school board for the existing borough shall be the school board for the said school district to the exclusion of any other school authority.

(2) The members of the school board for the existing borough who are then in office shall constitute the school board for the said school district and shall be deemed to have been elected therefor and shall hold office subject to the provisions of the Education Acts and this Act and to any order for holding a new election or otherwise to be made by the Education Department.

Order for election of new school board.

24. At such time after the commencement of this Act as the Education Department shall think fit that department shall issue an order for the election of persons to serve as members of the school board of the extended borough in the place of the persons who at the time of the making of the said order are members of the said school board.

Division of extended borough into wards.

25. The extended borough shall be divided into ten wards the names and boundaries whereof are set forth in Part II. of the said First Schedule and shown on the ward plan but if there be any discrepancy between that plan and the said description the description shall prevail.

Deposit of borough plan and ward plan.

26. The borough plan and the ward plan shall within one week after the passing of this Act be deposited at the Private Bill Office of the House of Commons and with the town clerk at his office

and a copy of the borough plan certified by the town clerk shall be sent by him as soon as may be after the deposit of the same as aforesaid to the Director General of Her Majesty's Ordnance Survey Southampton and to the Local Government Board.

Copies of deposited borough plan and ward plan to be evidence.

27. Copies of the borough plan and ward plan deposited with the town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice or elsewhere as primâ facie evidence of the contents of such plans and such plans shall at all reasonable times be open to the inspection of the persons liable to any rate leviable within the borough and all persons so liable shall be entitled to a copy of or extract from such plans certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Number of the council.

28. The borough shall have ten aldermen and thirty councillors and each of the several wards shall return three councillors.

As to apportionment of councillors.

29.—(1) The councillors of the four existing wards of the existing borough shall be apportioned in accordance with a scheme to be made by a commissioner (to be appointed by Her Majesty's Principal Secretary of State for the Home Department within three weeks after the passing of this Act) to and among the wards or some of the wards into which the existing borough is to be divided.

(2) The apportionment shall be made in such manner as to provide that the councillors may continue to represent as large a number as possible of their former constituents.

(3) Every councillor whatever ward he shall represent shall hold office in that ward for the same time as he would have held office if this Act had not been passed.

(4) On the first day of November one thousand eight hundred and eighty-nine six additional councillors shall be elected to represent such of the added wards to which the commissioner shall not have assigned any of the existing councillors or to which he shall have assigned less than three of such councillors.

(5) The returning officer at each such election shall be the mayor or a person appointed by him.

(6) The councillor or councillors so elected for any ward shall hold office for three years or for such other period as having regard to the term of office of any councillor or councillors apportioned to that ward shall be in accordance with the Municipal Corporations Acts.

(7) Of the six councillors so elected such as are elected for a ward to which no councillors are apportioned shall go out of office

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as follows that is to say the councillor having the least number of votes shall go out of office on the first day of November one thousand eight hundred and ninety and the councillor having the next least number of votes shall go out of office on the first day of November one thousand eight hundred and ninety-one and the other councillor shall go out of office on the first day of November one thousand eight hundred and ninety-two.

(8) Of the six councillors so elected such as are elected for any ward to which one or more councillors has been apportioned shall hold office for such periods as having regard to the respective terms of office of the councillor or councillors apportioned to such ward will enable the provisions of this Act and of the Municipal Corporations Acts as to rotation of councillors to be complied with.

As to rotation of councillors elected in 1889.

30. If in any ward for which there shall be an election of councillors under this Act on the first day of November one thousand eight hundred and eighty-nine there be on a poll an equality of votes the council shall determine the order in which the councillors so elected shall go out of office regard being had in the case of a ward to which two or more councillors may have been appointed to the terms of office of such councillors respectively.

Election of additional aldermen.

31. On the ninth day of November one thousand eight hundred and eighty-nine the council shall elect two additional aldermen one of whom as the council shall at the time of election determine shall go out of office on the election of aldermen in the year one thousand eight hundred and ninety-two and the other of them shall go out of office at the election of aldermen in the year one thousand eight hundred and ninety-five.

As to elections and rotations generally.

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

Scheme to be published.

33.—(1) The scheme shall be published in the London Gazette and also in some local newspaper or newspapers circulating in the borough and from the date of the publication in the Gazette the apportionment of councillors and other matters determined by the scheme shall be observed and be in force Such publication shall be made by and at the expense of the Corporation.

(2) If Her Majesty in Council does not approve the scheme as originally prepared by the commissioner it shall nevertheless be in force for the purposes of any municipal election until Her Majesty in Council on further information and report from the commissioner definitely approves of a scheme.

Application of section 30 of 45 & 46 Vict. c. 50.

34. Subject to the provisions of this Act subsections 8 9 11 14 and 15 of section 30 of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act.

Further provisions as to elections &c.

35. Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to elections and other matters incidental thereto or by the mayor aldermen or town clerk in relation to each of the wards determined by the said scheme before the first day of November one thousand eight hundred and eighty-nine may be done in like manner as if such wards were and had been wards of the borough existing at the time of the passing of this Act and the assignment of aldermen as returning officers by the council on the ninth day of November one thousand eight hundred and eighty-eight shall so far as practicable be deemed to have applied to the several wards of the borough as determined by the said scheme subject to any provisions in that behalf made in and by such scheme and the commissioner is by this Act empowered to make all such provisions as may be necessary or proper in consequence of the extension of the borough and of the division or alteration of wards and of the numbers of councillors and aldermen.

Burgess lists and burgess rolls.

36. For the purposes of the burgess lists the ward rolls and the burgess roll to be made after the passing of this Act under the Municipal Corporations Acts and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added area shall be deemed to have always been part of the borough Provided that no such burgess list or ward or burgess roll so to be made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notice or notices given at the time or times required prior to the passing of this Act if such list or roll or notice or notices be made given or published as soon after the passing of this Act or the publication of the scheme as may be practicable.

Application of Municipal Corporations Acts.

37. Subject to the provisions of this Act all the provisions of the Municipal Corporations Acts with respect to the division of the borough into wards or the alteration of wards shall apply to the extended borough.

Arbitration between the Corporation and county council of Durham.

38. Any difference between the Corporation and the county council of Durham with respect to the amount of any compensation or other payment or with respect to any other matter arising in the execution of this Act shall be determined on the application of either party by arbitration in manner provided by section 62 of the Local Government Act 1888.

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As to compensation to highway authority.

39. The Local Government Board may (unless otherwise agreed on between the parties) determine whether any and if any what compensation shall be paid by the Corporation to any highway authority having at the commencement of this Act jurisdiction over any of the highways in the added area by reason of the extension of the borough and may from time to time or at any time direct the persons to whom and the form in which any such compensation shall be paid (whether by a gross sum or by annual payments) and the manner in which it shall be managed invested and applied.

Part IV.—Provisions as to Buildings &c.

Exemption of certain buildings.

40. This part of this Act shall not apply to—

Any building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as a part of the hereditary revenues of the Crown or in trust for the public service or for public services nor to any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service;

Any building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway;

Any aqueduct conduit or water pipe belonging to the Stockton and Middlesbrough Water Board.

New buildings.

41. For the purposes of this Act and of the Act of 1869 the expression "new building" shall include any building the erection whereof is begun after the commencement of this Act and any addition to or external alteration of any existing building so far as regards such addition or alteration and the conversion into a dwelling-house of any building not originally constructed for human habitation and the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only shall be deemed the erection of a new building.

Buildings abutting on streets.

42. For the purposes of this Act buildings and lands shall be deemed to be in a street when they abut upon a street or when they have an access covered or uncovered to a street.

Time for approval of plans &c.

43. The time within which the Corporation shall approve or disapprove of any plan section drawing or specification deposited with them shall be sixteen days after the date of such deposit and section 75 (notices plans &c. of new buildings) of the Act of 1869 shall be construed accordingly.

Deposit of plans to be void after certain intervals.

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

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

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

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

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

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

The Corporation shall make compensation to the owners and lessees of any building or land for any loss or damage they may respectively suffer by reason of the setting back or bringing forward of such building wall or fence.

Height of buildings.

46. No new building shall without the approval of the Corporation be erected on the side of any street not existing at the commencement of this Act which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the top of the parapet or to the eaves of the roof as the case may be In case of a gable facing the street the measurement shall be to a point half way between the level of the eaves and the ridge In the case of a roof which slopes away from the street at any greater angle to the horizon than fifty

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degrees the measurement shall be to the ridge of the roof and not to the eaves.

Defining "ashpit" in Public Health Act 1875.

47. The term "ashpit" in the Public Health Act 1875 shall for the purposes of the execution within the borough of that Act and of this Act include any ashtub or other proper receptacle for the deposit of ashes fœcal matter refuse or sewage.

Rain-water pipes not to be used as soil pipes.

48. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from a privy or watercloset.

Means of ingress to and egress from places of public resort.

49. Subject to the provisions in this section contained every building which shall after the passing of this Act be used as a place of public resort shall to the satisfaction of the Corporation be supplied with ample safe and convenient means of ingress and egress for the use of the public regard being had to the purposes for which such building is intended to be used and to the number of persons likely to be assembled at any one time therein and no such building shall at any time be used as a place of public resort unless the provisions of this section shall have been complied with and the means of ingress and egress to and from such building shall be during the whole time that such building shall be so used as available and unobstructed as the Corporation shall require and whenever any building shall be used as a place of public resort contrary to the provisions of this section the occupier or person in charge thereof and where such place is let for any period less than one year the owner thereof as well shall be deemed to have committed an offence against the provisions of this section Every person who shall offend against the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression "place of public resort" means a building used or constructed or adapted to be used either ordinarily or occasionally as a church chapel or other place of public worship or as a college or school (not being merely a dwelling-house so used) or as a theatre public hall public concert-room public ball-room public lecture-room or public exhibition-room or as a public place of assembly for persons admitted thereto by tickets or by payment or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose but shall not include a private dwelling-house used occasionally or exceptionally for any of those purposes Provided that this enactment shall not extend to any such church chapel or other place of public worship used as such before or at the passing of this Act.

Wooden buildings to be removed.

50. If the Corporation by resolution declare that any wooden building existing at the passing of this Act is likely to cause danger to adjoining buildings they may order the same to be removed within one year from the making of the order and if any such wooden building be not so removed the owner thereof shall in each case be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds Provided that if any such building not in the occupation of the owner thereof be so removed the occupier thereof shall be entitled to a remission or in case the building form part of a holding to a reduction of the rent payable by him in respect of such building or holding The amount of such remission or reduction shall be settled in case of difference by the surveyor.

The Corporation shall make compensation to the owners and lessees of any building lawfully existing at the passing of this Act and which shall be removed under the powers of this section.

No buildings allowed until street formed &c.

51. No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Hoards to be set up during progress of buildings &c.

52. Every person intending to build or take down any building or to alter or repair the outward part of any building in any street or court shall before beginning the same unless the Corporation otherwise consent in writing cause close boarded hoards or fences to the satisfaction of the Corporation to be put up in order to separate the building from the street or court with (if the Corporation so require) a convenient covered platform and hand-rail to serve as a footway for passengers outside of such hoard or fence and shall continue such hoard or fence with such platform and hand-rail as aforesaid standing and in good condition to the satisfaction of the Corporation during such time as in their opinion the public safety or convenience so requires and shall (when required by the Corporation) in order to prevent accidents cause the same to be sufficiently lighted during the night and shall remove the same when required by the Corporation.

Raising of chimneys &c.

53. In case any building is after the commencement of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of the adjoining building are in the outer

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or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the tops of the chimneys of the building so erected or raised.

Height of chimneys.

54. With respect to the height of chimneys the following provisions shall have effect (that is to say) :—

1. All chimneys hereafter erected for carrying any smoke from the furnace of any mill factory brewery sizing-house dye-house gasworks corn-mill foundry or buildings used for manufacturing purposes or for the conveying away of any noisome or deleterious gases or effluvia from any such buildings shall be raised to the height of fifty feet at least from the level of the centre of the street nearest thereto and in all cases where any chimney serves the furnace of a steam-engine the chimney shall be raised to an additional height from such level adapted to the power of such engine according to the following scale (that is to say) if such steam-engine be of more than thirty horse-power and do not exceed forty horse-power the height of such chimney shall not be less than one hundred feet and if such steam-engine be of more than forty horse-power the height of such chimney shall not be less than one hundred and twenty feet ;
2. No portable steam-engine shall after the passing of this Act be erected or used within sixty-three feet of any occupied dwelling-house unless connected with a chimney of such height not less than forty feet as the Corporation may in each case prescribe but the Corporation may not in any such case prescribe a greater height than one hundred feet ;
3. All steam ejected from any fixed steam-engine or the boiler thereof and all spent or ejected steam arising or produced in any trade or business shall be discharged so as not to be an annoyance to the public ;
4. The foregoing provisions of this section shall not apply to locomotives used upon any railway or tramway or to portable steam-engines in use for agricultural purposes or to traction-engines steam-rollers or fire-engines ;
5. Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Stability of structures.

55. If the Corporation by resolution determine that any structure is dangerous or insecure they shall forthwith require the owner thereof to render the same secure or as the case may in their opinion

require to remove the same and if he fail within a reasonable time to comply with such requirement he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings and the Corporation notwithstanding the recovery of such penalties may execute the necessary works and recover the expenses thereof as private improvement expenses.

Power to enter buildings to inspect &c. chimneys &c.

56. Any person duly authorised by the Corporation in that behalf may enter in the day time into any mill factory brewery sizing-house dye-house gaswork or other building used for manufacturing purposes or any part thereof and may there inspect and examine the condition and measure and ascertain by all proper means the height of any chimney included in the provisions of the three preceding sections and the power of any steam-engine used in connexion therewith and every person who prevents obstructs or hinders any person so appointed from entering any such building or making such inspection or examination or measuring or ascertaining the height of such chimney or the power of such steam-engine shall for every such offence be liable to a penalty not exceeding ten pounds.

Certificate that houses fulfil certain requirements.

57. No building not already occupied as a dwelling-house shall be so occupied until the drainage thereof has been made and completed nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements for the time being in force within the borough Provided that if the surveyor fail to give such certificate within fourteen days after a written application for it shall have been made to him by the owner of such building and shall not in the meantime specify to such owner which of the aforesaid requirements have not been complied with with respect to such building then such building may be thereupon occupied as a dwelling-house If any building is occupied contrary to the provisions of this section the owner of such building occupying the same or allowing the same to be so occupied and every person wilfully occupying the same shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Buildings described as lock-up shops not to be used as dwellings.

58. Where in the plan of a building deposited with the Corporation such building is described as a lock-up shop workshop shed or place of business the use of such building or any part thereof for the purposes of habitation by any person other than the person placed therein to take care thereof and the family of such person shall be an offence against this Act and shall be deemed to be committed on the day when such user is made known to the Corporation

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Every person wilfully so using such building or permitting the same to be used shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation may alter &c. buildings erected contrary to Act.

59. The Corporation may after giving fourteen days notice to the owner and occupier (if any) cause any building or part thereof which is hereafter built or rebuilt contrary to the provisions of this Act to be taken down and rebuilt or altered according to the provisions of this Act and the expenses of and attending the same shall be repaid to the Corporation by the owner Provided that if any such building or part of a building shall have been built or rebuilt in accordance with plans and sections approved by the Corporation in that behalf the said expenses shall be paid by the Corporation.

Part V.—Streets and Highways &c.

Intersecting streets.

60. No new street intended to have a continuous line of buildings shall unless the Corporation otherwise allow be laid out exceeding two hundred yards in length without an intersecting street.

Continuation of streets to be deemed new streets.

61. Every continuation of an existing street shall be deemed a new street.

Powers to vary direction level &c. of new streets.

62. The Corporation may by order vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto The Corporation shall make compensation to all persons injuriously affected by the execution of the provisions of this section.

Duration of approval of street plans.

63.—(1) If a new street approved by the Corporation and intended to be a public street is not made and opened for public use within three years from the time of approval the approval shall at the expiration of that period cease to operate and fresh notice and approval shall as to so much of the street as is not completed be requisite as if notice and approval had never been given.

(2) If a new street approved by the Corporation and not intended to be a public street is not made and completed so as to be fit for use within four years from the time of approval the approval shall at the expiration of that period cease to operate and fresh notice and approval shall as to so much of the street as is not completed be requisite as if notice and approval had never been given.

Gardens forecourts &c. to be fenced off from streets.

64. Whenever the person erecting any building shall be desirous of leaving any opening or placing any steps or other projections in any forecourt area or space left in front of such building such forecourt area or space shall be well and sufficiently fenced off from the footpath or street by a railing or parapet or dwarf wall and palisades or in such other manner as the Corporation may approve but where such garden forecourt area or space is free from any steps or other projections the extent of the same or such portion thereof as the person erecting the building may not wish to give to the street may be defined by the owner if he desire so to do instead of constructing a fence by a line of stones or other suitable material three inches or thereabouts wide by twelve inches or thereabouts deep laid flush with the surface of the footpath the object of this enactment being that footpaths shall be freed from objectionable obstructions and the owner of the building secured of his full rights over any land he may wish to retain in front of his building.

Section 31 of 10 & 11 Vict. c. 34. extended to vaults under footways.

65. The provisions of section 31 of the Towns Improvement Clauses Act 1847 shall extend to all vaults arches and cellars to be made within the borough whether made under the carriageway or under the footway of any street or under any land open to any street but not actually dedicated to public use.

Removal of projections over streets.

66. Sections 69 and 70 of the Towns Improvement Clauses Act 1847 incorporated with the Public Health Act 1875 shall with respect to the borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projections from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe and convenient use of any street.

Works for drainage of new streets.

67. The plans and sections of a new street submitted to the Corporation for their approval shall show the depth inclination size and form and shall specify the materials and other particulars of the sewers and their appurtenances according to which the works for the proper drainage of the street and of the adjoining properties shall be executed and if the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider would be necessary for the ordinary sewerage of such new street the additional cost of such enlarged sewer shall be paid by the Corporation.

Courts and passages to be flagged, &c.

68. Every street within the borough which is only a court or passage and is not a public thoroughfare repairable by the inhabitants at large shall be well and sufficiently formed paved or flagged

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channelled and sewered and kept in good repair and cleansed by the owner or owners of the house or houses buildings and lands abutting thereon and having the right to the use thereof and if any such court or passage be not so well and sufficiently paved or flagged channelled and drained and kept in good repair and cleansed the Corporation may cause the same to be paved flagged channelled sewered and repaired and cleansed and the expenses attending the same shall be settled by the surveyor and apportioned by him among the owners of the buildings and lands abutting on such court or passage and having the use thereof in such proportion as he shall deem equitable having regard to the rateable value of such buildings and lands and the other circumstances of the case.

Crossings for horses or vehicles over footways.

69. Every person desirous of forming a communication for horses or vehicles across any kerbed footpath so as to afford access to any premises from a street shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall for each such offence be liable to a penalty not exceeding twenty shillings.

Materials in streets sewered and paved.

70. The Corporation may remove appropriate use and dispose of any old materials existing in any street at the time of the execution by the Corporation of any works in such street unless the owners of buildings and lands in such street within forty-eight hours after notice so to do served on them by the surveyor remove such materials or their respective proportions thereof and the Corporation may if they think fit allow such sum as the surveyor may fix to be the reasonable value thereof to such owners for any materials which have been re-used or removed by the Corporation.

Recovery of damages caused to footways by excavations.

71. If the footway of any street belonging to or under the management of the Corporation be injured by or in consequence of any excavations on lands adjoining thereto the Corporation may repair or replace the footway injured and all damages and expenses of or arising from such injury and repair or replacement shall be

repayable to the Corporation by the owner of the lands on which such excavation has been made.

Waste land to be fenced.

72. If the owner or occupier of any vacant land or land adjoining any street or adjoining or near to any river canal reservoir or other water allows the same to remain unfenced or the fences thereof to remain out of repair after the expiration of fourteen days notice from the surveyor the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction.

Power to alter names of streets and names to be put up and houses to be numbered &c.

73. The Corporation may name any street or any part of a street which is without a name or which bears two names and may from time to time alter the name of any street or of any part of a street and may from time to time paint engrave or otherwise describe and place the name of any street or of any part of a street on a conspicuous part of any building or other erection at or near each end corner or entrance thereof and number every building or other erection therein on the door thereof or otherwise as they think proper and if any person wilfully or without sufficient reason destroys obliterates defaces removes or without the consent of the Corporation alters any such name or number or any part thereof he shall be liable to a penalty not exceeding forty shillings.

Deposits of building materials or excavations not to be placed without consent.

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

Paving &c. to include

75. The provisions of this Act and of the Public Health Acts and of the Act of 1869 relating to paving metalling or flagging of

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asphalting &c.

streets shall include macadamising asphalting gravelling kerbing and every method of making a carriageway or footway and those provisions shall be construed accordingly.

Part VI.—Tramways.

Power to Corporation to purchase the tramway undertaking.

76. The Corporation may purchase the tramway undertaking or any part thereof but as to such portion of the tramways as is without the extended borough only with the consent of the local authority (as defined by the Tramways Act 1870) within whose jurisdiction such part is situate.

As to conveyance.

77. The transfer shall be effected by a proper deed of conveyance in which the purchase or consideration money shall be fully and truly stated and set forth and which deed shall be duly stamped with the full and proper ad valorem stamp duty on such consideration.

Within three months from the date of transfer the deed shall be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of transfer to the date of payment shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Undertaking to vest in Corporation.

78. From and after the payment of the purchase money and the execution of the deed of conveyance the tramway undertaking or the part so purchased as the case may be shall be vested in the Corporation subject to all the obligations and liabilities of the tramway company with respect to the maintenance repair management and regulation of the tramway undertaking or the part so purchased as the case may be and the traffic thereon but freed and by this Act absolutely discharged from all other contracts agreements debts liabilities and engagements of the tramway company whether directly affecting the tramway undertaking or the part so purchased as the case may be or affecting the tramway company in respect of the same respectively as the case may be and all the powers and authorities including the right to levy and take tolls and charges for the use of the tramway undertaking or the part so purchased as the case may be which are by the Order of 1880 and the Order of 1884 or either of them conferred upon the tramway company shall after the payment of the purchase money be exerciseable and enforceable by the Corporation as if they had been the promoters of those Orders respectively or as if the Corporation had acquired possession of the tramways or the part so purchased as the case may be under the provisions of the Tramways Act 1870 but nothing in

this Act shall authorise the Corporation to place or run carriages upon any part of the tramways and demand and take tolls for the use of such carriages.

Provisions for sale of portions of tramway undertaking to local authorities.

79. If at any time after the passing of this Act any local authority in whose district or any part thereof any portion of the tramway undertaking which has been purchased by the Corporation is situate shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the tramway undertaking as is contained within such district and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or to the Local Government Board for power to purchase such portion of the tramway undertaking then it shall not be lawful for the Corporation to oppose such application except as to the details thereof and if such powers of purchase be granted the Corporation shall sell and such local authority shall purchase such portion of the tramway undertaking within the district of such local authority at such price and upon such terms and conditions as shall be fixed (in default of agreement) by arbitration under the provisions of the Lands Clauses Acts.

The proceeds of any sale under this section shall be applied by the Corporation towards the extinguishment of any loan raised under the powers of this Act such extinguishment to be in addition to and not in substitution for the other provisions for that purpose in this Act contained.

Provision for protection of the Postmaster General.

80. In the event of the tramways being worked by electricity the following provisions shall have effect :—

(1) It shall not be lawful for the Corporation or any company or person being lessees of or working the tramways (herein-after included in the expression "the Corporation") to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such

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reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work;

(2) Any difference which arises between the Postmaster General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act;

31 & 32 Vict. c. 19.

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

(4) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;

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

41 & 42 Vict. c. 76.

(6) For the purposes of this section and subject as therein provided sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the otner sections of the said Act would have had if this section had not been enacted.

81. In the event of the tramways being worked by electricity the following provisions shall have effect:—

Provision for the protection of railway companies.

(1) It shall not be lawful for the Corporation or any company or person being lessees of or working the tramways (herein-after included in the expression "the Corporation") to lay down any line or rail or to do any act for working the tramways by electricity whereby any telegraphic line of any railway company may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of such railway company at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to such railway company specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by such railway company for the purpose of preventing any telegraphic line of such railway company from being injuriously affected by the said act or work;

(2) Any difference which arises between any railway company and the Corporation or their agents with respect to any requirements so made shall be determined by a single arbitrator to be appointed in manner provided by the Railway Companies Arbitration Act 1859 and the provisions of such Act shall apply as if the Corporation were a railway company within the meaning of that expression as defined in such Act;

(3) For the purpose of this section a telegraphic line of any railway company shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work.

Part VII.—Sanitary Provisions.

Provision as to filling up cesspools &c.

82. If it appears to the Corporation by the report of the surveyor or inspector of nuisances or medical officer of health that any cesspool used at or at any time after the commencement of this Act as a receptacle for excreta or for the whole or any part of the drainage of any house or part of a house within the borough or any ashpit belonging to any such house or part of a house is prejudicial to

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health or is inconveniently situated or is ill-constructed or is not water-tight or that for other sanitary reasons it is desirable that the same should be filled up or removed the Corporation may (if they think fit) by written notice require the owner or occupier of such house or part of a house within a reasonable time to be specified in such notice to cause such cesspool or ashpit to be filled up or removed and any drain communicating with such cesspool to be effectually disconnected destroyed and taken away and in cases where it appears by such report that any cesspool or ashpit is used in common by the occupiers of two or more houses or parts of houses such notice for the filling up or removal of such common cesspool or ashpit may be served on any one or more of the owners or occupiers respectively who have the right to use the same cesspool or ashpit and the cost of filling up or removing such last-mentioned cesspool or ashpit shall be defrayed by the owners thereof in such proportion as the Corporation shall determine.

Prevention of nuisances.

83. If any passage middenstead ashpit urinal privy or watercloset within the borough used in common by the inmates of any premises used as separate dwellings and also by any other persons or the approaches to or the walls floors seats or fittings of any such middenstead ashpit privy or watercloset or any of them is or are in the opinion of the Corporation or of the inspector of nuisances or medical officer of health in such a state or condition as to be a nuisance or annoyance to any inhabitant of the borough for want of the proper cleansing thereof that one of the persons having the use thereof in common as aforesaid who is in default or in the absence of proof satisfactory to the justices as to which of them is in default each of such persons shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding five shillings.

Charge for removing other than house refuse.

84. The Corporation may charge any reasonable sum for the removal from any ashpit of any material not being ordinary house refuse.

Entrances to courts &c. not to be closed &c. without consent of Corporation.

85. The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the commencement of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing.

Power to supply houses or courts with privies &c.

86. The Corporation for the purpose of supplying a court or place with a privy watercloset earth-closet pan-closet sanitary pan ashpit ashtub or other sanitary accommodation may from time to time take by agreement any building and remove the same and

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execute all consequent structural and other works and the owner or owners of houses in the court or place benefited thereby shall be liable to pay the expenses incurred by the Corporation in the execution of this section and the amount thereof shall be apportioned among those owners by the surveyor in such proportion as he shall deem equitable having regard to the rateable value of the property held by them in such court or place and the other circumstances of the case and the amount apportioned to each owner shall be payable and recoverable as private improvement expenses.

Rooms over privies not to be used as dwelling or sleeping rooms.

87. No room built before or after the commencement of this Act any portion of which extends immediately over any privy (not being a watercloset) cesspool midden or ashpit or immediately over any cow-byre or other place in which cows are kept and which is not effectually separated from such room to the satisfaction of the Corporation shall be occupied as a dwelling or sleeping or work room or place of habitual employment of any person in any manufacture trade or business during any portion of the day or night and no person shall after the expiration of one month after the commencement of this Act knowingly occupy or suffer to be occupied as a dwelling or sleeping or work room any such room Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Extension of sections 116 to 119 inclusive of Public Health Act 1875.

88. The provisions contained in sections 116 to 119 (both inclusive) of the Public Health Act 1875 shall extend and apply to all articles intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale within the borough.

Extending powers as to unwholesome food.

89. Section 117 (power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 shall extend and apply to every diseased unsound or unwholesome article intended for the food of man sold or exposed for sale or deposited in any place for the purpose of sale or of preparation for sale whether such article be or be not seized and carried away to be dealt with by any justice or ordered by any justice to be destroyed or disposed of as mentioned in such section Provided that the justice before whom any complaint with respect to such article of food is made be satisfied on the evidence laid before him that such article of food was diseased or unsound or unwholesome or unfit for the food of man.

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PART VIII.—PROVISIONS AS TO INFECTIOUS DISEASES.

Notice to be given of persons suffering from infectious disease.

90. The following provisions shall apply to and be in force within the borough (that is to say) :—

1. If any inmate of any building used for human habitation be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of illness or other unavoidable cause then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office ;
2. If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness or other unavoidable cause then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person ;
3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Second Schedule to this Act ;
4. Every registered medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering ;
5. The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of

one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution;

6. Every person who shall wilfully offend against any of the enactments contained in this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Other diseases may be declared to be within the foregoing provision.

91. The Corporation may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act:

1. Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in one or more local newspapers circulating in the borough and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act;
2. The production of the newspaper containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given;
3. The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the borough but the omission to send any such copy shall not affect the validity of such order.

Cowkeepers and others to furnish lists of customers in certain cases.

92. Whenever it shall be certified to the Corporation by the medical officer of health or by any other registered medical practitioner that the outbreak or spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every

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twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Medical officer may inspect dairies &c. beyond borough in certain cases.

93. In case the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough from any farmhouse dairy cowshed milkshop or place situate beyond the borough boundary or that the consumption of milk from such farmhouse dairy cowshed milkshop or place is likely to cause infectious disease to any person residing in the borough such medical officer shall if authorised in that behalf by an order of a justice having jurisdiction in the place where such farmhouse dairy cowshed milkshop or place is situate have power to inspect such farmhouse dairy cowshed milkshop or place and if on such inspection he shall be of opinion that infectious disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Corporation who may thereupon give notice to the occupier of such farmhouse dairy cowshed milkshop or place not to supply any milk therefrom within the borough until such notice has been withdrawn by the Corporation and the Corporation shall forthwith give notice of the facts to the sanitary authority of the district acting in execution of the Contagious Diseases (Animals) Acts 1878 to 1886 in which such farmhouse dairy cowshed milkshop or place is situate and also to the Local Government Board in order that such further measures may be adopted in relation thereto as may be considered proper and as may be within the provinces of such authorities respectively Any person refusing to permit the medical officer of health on the production of such order as aforesaid to inspect any such farmhouse dairy cowshed milkshop or place or after any such notice by the Corporation has been given supplying any milk therefrom within the borough or selling it for consumption therein until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding five pounds for such offence and to a daily penalty not exceeding forty shillings Provided always that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milkshop or place is situate.

Persons engaged in

94. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent

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

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

95. Where the Corporation are of opinion on the certificate of the medical officer of health or of any other registered medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection could more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

96. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a registered medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person nego-

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

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tiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

97. No person shall without the sanction in writing of the medical officer of health or other registered medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

98. If any person shall die from any infectious disease in any hospital or place of temporary accommodation and the medical officer of health or any other registered medical practitioner certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds But nothing in this section shall prevent the removal of any dead body from any such hospital or place of temporary accommodation to any public mortuary and such mortuary shall for the purposes of this section be deemed to be part of such hospital or place of temporary accommodation.

Justices may in certain cases order dead bodies to be buried.

99. Where the body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or other registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building any justice may on the application of the medical officer of health order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and may direct the same to be buried within a

time to be limited in the order or such justice may in the case of the body of any person who has died from any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

100. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance (other than a hearse) which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Detention of infected person without proper lodging in hospital by order of justice.

101. The provisions of the Public Health Act 1875 respecting infectious diseases and hospitals shall be and are hereby extended so as to authorise any justice of the peace acting in and for the borough upon proper cause shown to him to make an order directing the detention in hospital at the cost of the sanitary authority of any person in the borough suffering from any infectious disease and not provided with lodging or accommodation in which proper precautions can be taken to prevent the spreading of the disorder by such person Any order so to be made by any such justice may be limited to some specific time but with full power to any justice if he shall see necessary to enlarge such time as often as may be necessary It shall be lawful for any sanitary officer or inspector of police of the borough on any such order being made to take all necessary measures and do all necessary acts for enforcing the execution thereof.

Temporary shelter, &c.

102. The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such

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dwellings to be disinfected and shall also provide or contract with some person or persons to provide nurses for attendance upon the members of any family suffering from any infectious disease within the borough or upon children who may have been compelled to leave their dwellings as aforesaid and may charge a reasonable sum for the service of any nurse provided by them.

Penalty for offences under section 84 of Public Health Act 1875.

103. Any keeper of a common lodging-house in the borough who fails to give the notice required by section 84 of the Public Health Act 1875 shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding five shillings.

Power of entry for purposes of sections 120 & 121 of Public Health Act 1875.

104. For the purpose of carrying into effect the provisions of sections 120 and 121 of the Public Health Act 1875 or either of those sections the Corporation may by any officer appointed in that behalf enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

For preventing infectious rubbish being thrown into ashpits &c.

105. Any person who shall knowingly cast or cause or permit to be cast into any ashpit ashtub or other receptacle for the deposit of refuse matter any infectious rubbish without previous disinfection shall be liable to a penalty not exceeding forty shillings.

Power to make byelaws for sanitary purposes.

106. The Corporation may from time to time make and enforce byelaws for prescribing the times for the removal or carriage through the streets of any fœcal offensive or noxious matter or liquid whether such matter or liquid shall be in course of removal or carriage from within or without or through the borough and that the vessel receptacle cart or carriage used therefor shall be properly constructed so as to prevent the escape of any such matter or liquid and to compel the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.

Penalties only recoverable by Corporation.

107. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Corporation or of the medical officer of health or of the inspector of nuisances.

Saving for Acts relating to dairies animals &c.

108. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1886 or of any order license or act of Her Majesty's Privy Council or the Local Government Board made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or the Local Government Board or exempt dairies milkstores or milk-shops or slaughter-houses or any building or thing whatsoever or

any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future session of Parliament.

Part IX.—Sewerage &c.

Power to construct drain for house if built in contravention of section 25 of Public Health Act 1875 or of Act of 1869.

109. Where any person has been convicted of causing any drain to be constructed in contravention of the Act of 1869 or of section 25 of the Public Health Act 1875 the Corporation may cause the drain or drains in respect of which default has been made to be laid relaid or amended or remade as the case may require and may recover the expenses incurred by them in so doing from the owner as private improvement expenses.

Corporation may make communications between private drains and their sewers on payment &c.

110. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation the Corporation may and shall make so much of such sewer or drain as is to be constructed under any public highway and also the junction of such sewer or drain with the sewer of the Corporation and may and shall execute all necessary works for those purposes upon the reasonable cost or estimated cost thereof being paid to the Corporation or the payment thereof to them being secured to their satisfaction.

Refuse and other injurious matters not to pass into sewers.

111. It shall not be lawful for any person to throw or to permit or suffer to be thrown or to pass into any drain or sewer any matter or substance which would interfere with the free flow of the sewage or surface or storm water or which would be injurious to the drains or sewers and every person offending against this enactment shall for every such offence forfeit and pay a sum not exceeding twenty pounds to be recoverable by the Corporation with full costs of suit in any court of competent jurisdiction.

Steam &c. not to be turned into sewers.

112. Every person who having had notice from the Corporation of the provisions of this section shall at any time after the expiration of seven days from the service of such notice turn or knowingly permit to enter into any sewer or drain communicating therewith any waste steam condensing water or heated water from any boiler or other receptacle used with any steam-engine or for any manufacturing or trade purpose (such water being of a higher temperature than one hundred and ten degrees of Fahrenheit) shall be liable for every such offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds The Corporation or any of their officers may enter into any premises for the purpose of examining whether the provisions of this section are being contravened and if such admission be refused any justice on complaint

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thereof on oath by any officer of the Corporation (made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises) may by order under his hand require such person to admit the officer of the Corporation into the premises and any such order shall continue in force until the offence shall have ceased or the works necessary to prevent the recurrence thereof shall have been executed.

River stream &c. choked up to be a nuisance under Public Health Act 1875.

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

Penalty for throwing rubbish &c. into river &c.

114. Every person who throws casts or deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any river watercourse or beck wholly or partially within the borough shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Corporation empowered to take proceedings for preventing obstructions in watercourses.

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

Part X.—Hackney Carriages &c.

Prescribed distance.

116. The prescribed distance within which all hackney carriages as defined by the Act of 1869 shall be licensed to ply for hire within the borough shall notwithstanding the provisions of section 171 of the Public Health Act 1875 be five miles from the town hall or municipal offices within the borough.

As to drivers licenses.

117. So much of section 213 (drivers not to act without obtaining a license) of the Act of 1869 as provides that any license granted

under that section shall continue in force until revoked except during the time it may be suspended under the powers of that Act is hereby repealed and from and after the passing of this Act every such license shall continue in force for one year subject to the provisions for the time being in force in the borough for the revocation or suspension of such license.

Penalty for fraudulent use of numbers and badges.

118. If any person fraudulently or with intent to deceive does either of the following things (namely):—

(1) Affixes or places on any carriage or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any hackney carriage; or

(2) Affixes or carries on his person any badge figure or number to resemble any badge figure or number appointed by the Corporation to be carried by a licensed driver or conductor;

he shall be liable to a penalty not exceeding forty shillings.

Powers of inspector of hackney carriages.

119. The inspector of hackney carriages and any police constable employed within the borough may from time to time examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed If any proprietor driver or conductor or other person shall obstruct or hinder such police constable or inspector in the execution of his duties he shall be liable to a penalty not exceeding forty shillings.

Cabmen's shelters.

120. The Corporation may from time to time provide erect place and maintain or authorise to be erected placed and maintained in any public street in the borough such places of shelter as they think fit for the use and convenience of the drivers of hackney carriages and licensed porters and may make terms and conditions as to the user and cleaning thereof.

Part XI.—Telegraph Wires.

Byelaws for prevention of danger from telegraph wires &c.

121.—(1.) The Corporation may from time to time make alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across any street (whether before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose.

(2.) By such byelaws provision may be made for the inspection and examination by the Corporation of any such posts wires tubes or other appliances or apparatus and for the prohibition of any such posts wires tubes or other appliances or apparatus being or

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continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public.

(3.) Offenders against such byelaws shall be liable to such reasonable penalties as may be thereby prescribed not exceeding five pounds for each offence and a daily penalty not exceeding forty shillings and in addition to awarding any penalty the court of summary jurisdiction may order the removal of any post wire tube or other appliance which shall be adjudged to be stretched or placed as aforesaid in contravention of any byelaw made by the Corporation under this section.

(4.) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper and such reasonable notice of the intended submission of any such byelaw or of any alteration or repeal thereof for confirmation shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such byelaw shall apply and such Company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any byelaw and all costs incurred by any parties in reference to the application for or objection to the confirmation alteration or repeal of any such byelaw shall be in the discretion of the Board of Trade.

(5) The Board of Trade may exempt from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid before such confirmation (herein-after referred to as "an existing work") And the Board of Trade may exempt from any alteration or repeal of any such byelaw for such period as they think proper not exceeding five years from the confirmation of such alteration or repeal any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid prior to such alteration or repeal in accordance with the byelaw proposed to be altered or repealed as originally framed.

(6) Nothing in such byelaws shall extend to or include any apparatus belonging to any railway or canal company or used by them in connexion with their business and which now is or hereafter shall be fixed or placed by any such company across over or

along any railway or the towing-path of any canal or any street crossing any railway on the level thereof.

(7) Nothing in such byelaws shall extend to any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1888 to which the provisions of those Acts apply.

As to existing telegraph wires &c.

122. If during the said period of five years any existing work is in the opinion of the surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

Restrictions on placing wires &c. other than telegraph wires &c. over across or along streets.

123. It shall not be lawful for any person to fix or place any rope line cord post wire tube or other similar apparatus (other than posts wires tubes or other apparatus for telegraphic telephonic or railway signalling purposes) above ground over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1888 to which the provisions of those Acts apply.

Saving for Postmaster General.

124. Nothing contained in this Act shall prejudice or affect the rights powers and authorities of the Postmaster General under the Telegraph Acts 1863 to 1885.

Part XII.—Police.

Informations by whom to be laid.

125. All informations under or for the breach of any of the provisions of this part of this Act or of the Town Police Clauses Act 1847 as incorporated with the Public Health Act 1875 may be laid by any officer of the Corporation duly authorised in that behalf or by the town clerk or by the chief constable or any superintendent of police acting for or within the borough.

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Places for dancing music and other entertainments to be licensed.

126. For the regulation of places for public dancing or music or other public entertainment of the like kind the following provisions shall have effect (namely):—

1. After the expiration of six months from the passing of this Act a house room garden or other place whether or not licensed for the sale of wine spirits beer or other fermented or distilled liquors shall not be kept or used for public dancing singing music or other public entertainment of the like kind without a license for the purpose or purposes for which the same respectively is to be used first obtained from the justices acting for the borough for which license and for the registration thereof a fee of five shillings shall be paid by the person applying therefor;

2. Such justices may under the hands of a majority of them assembled at any annual licensing meeting or at any adjournment thereof or at any special session convened with fourteen days previous notice grant licenses to such persons as they think fit to keep or use houses rooms gardens or places for all or any of the purposes aforesaid upon such terms and conditions and subject to such restrictions as they by the respective licenses determine and every license shall be in force for one year or for such shorter period as the justices on the grant of the license shall determine unless the same shall have been previously revoked as herein-after provided;

3. Such justices may from time to time at any such special session aforesaid transfer any such license to such person as they think fit;

4. Each person shall in each case give fourteen days notice to the clerk of the justices and to the superintendent of police of the borough of his intention to apply for any such license or for the transfer of any such license;

5. Any house room garden or place kept or used for any of the purposes aforesaid without such license first obtained shall be deemed a disorderly house and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept or used for any of the purposes last aforesaid;

6. There shall be affixed and kept up in some conspicuous place on the door or entrance of every house room garden or place so kept or used and so licensed as aforesaid an inscription in large capital letters in the words following "Licensed in pursuance of Act of Parliament for "

with the addition of words showing the purpose or purposes for which the same is licensed;

7. Any house room garden or place so kept or used although so licensed as aforesaid shall not be opened for any of the said purposes except on the days and between the hours stated in the license and the observance of the days and hours of opening and closing shall be inserted in and made a condition of every such license;

8. The affixing and keeping up of such inscription as aforesaid and the observance of the days and hours of opening shall be inserted in and made conditions of every such license;

9. In case of any breach or disregard of any of the terms or conditions upon or subject to which the license was granted the holder thereof shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and such license shall be liable to be revoked by the order of any two justices;

10. No notice need be given under subsection 4 of this section when the application is for a renewal of an existing license held by the applicant for the same premises;

11. The justices in any petty sessions may if and as they think fit grant to any person applying for the same a license to keep or use any house room garden or place for any purpose within the meaning of this section for any period less than one year which they shall specify in such license notwithstanding that no notices shall have been given under subsection 4 of this section.

Premises licensed for sale of intoxicating liquors not to be altered &c. without consent of justices.

127. No person who has obtained any license to sell any intoxicating liquor at any place in the borough for consumption on the premises shall after the passing of this Act alter (externally) or shall extend or add to the premises to which such license applies except with the previous consent in writing of two justices under their hands and any person who shall offend against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds Provided that penalties under this section and any other enactment for the same offence shall not be cumulative Provided also that nothing in the foregoing provisions of this section shall extend or apply to any refreshment room refreshment bar or hotel forming part of or used by or under a railway company in connexion with a railway.

Prohibition of obscene bills &c.

128. If any person affixes or causes to be affixed to any house building wall board lamp-post tree post gate public seat fence railing or convenience or delivers or exhibits to any inhabitant or passenger

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in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

Indecent shows &c.

129. If any person exhibits any indecent show or exhibition in any street or in any place to which admission is obtained by payment of money he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justices before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

Penalty on persons obstructing footpaths.

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

Prohibition of persons assembling in streets for purpose of betting.

131. Any three or more persons assembled in any street or in any market-place for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Street musicians to depart when required to do so.

132. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Penalty on pulling down notice-boards.

133. If any person destroys pulls down injures or defaces any boards or conveniences for the reception of advertisements or any advertisement placard or bill affixed thereto or any placard or notice issued and put up by or under the direction of the Corporation or any notice of the position of a fire-plug or hydrant or any board provided by the Corporation on which any byelaw or part of a byelaw of the Corporation is painted or placed such boards placards or notices being affixed in places where the Corporation are legally

entitled to affix the same he shall for every such offence be liable to a penalty not exceeding twenty shillings. A.D. 1889.

Control of coal-dealers.

134. Every person delivering coal or coke not exceeding in quantity two hundredweight to any one purchaser shall carry with the vehicle employed by him in such delivery proper and sufficient weights and scales or some sufficient instrument whereby the purchaser may have his coals or coke weighed and the coal or coke shall on request of the purchaser be weighed accordingly by the person delivering the same.

Any person delivering coal or coke as aforesaid and not provided with weights and scales or any instrument for weighing or not weighing the coal or coke when requested by the purchaser so to do or failing to give just weight or using his weights and scales or instrument for weighing in other than a proper state to weigh accurately shall be liable to a penalty for every such offence not exceeding forty shillings.

Indecent writing &c. on walls &c.

135. Every person who on any wall gate hoarding or fence in any street writes or draws any profane obscene or indecent words or representation or affixes any placard or bill containing any such words or representation shall be liable for each offence to a penalty not exceeding forty shillings.

Part XIII.—Employment of Children.

Restriction on casual employment of children.

136. After the passing of this Act no child under the age of thirteen years shall be employed in any casual employment within the borough between the hours of ten o'clock at night and six o'clock in the morning from the first day of April to the thirtieth day of September and between the hours of eight o'clock at night and six o'clock in the morning from the first day of October to the first day of April.

Definition of term "casual employment."

137. Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever.

Penalty for employing a child in contravention of Act.

138. Every person who takes a child into his employment in contravention of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

Definition of employment in case of parent.

139. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain or who permits such child to be engaged in any such labour on its own behalf shall be deemed for the purposes of this Act to take such child into his employment.

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Part XIV.—Execution of Works and Private Improvement Expenses.

Private street works.

140.—(1.) Where any street (not being a highway wholly repairable by the inhabitants at large) or the carriageway or footway or any other part of such street is not sewered levelled paved metalled flagged kerbed channelled or made good or is not lighted to the satisfaction of the Corporation the Corporation may from time to time resolve with respect to such street or part to do any one or more of the following works (in this part of this Act called private street works) that is to say to sewer level pave metal flag kerb channel or make good or to provide proper means for lighting such street or part and the expenses incurred by the Corporation in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting adjoining or abutting on such street or part Any such resolution may include several streets or parts of streets or may be limited to any part or parts of a street.

(2.) The surveyor shall prepare as respects each street or part of a street—

(A) A specification of the private street works referred to in the resolution with plans and sections (if applicable);

(B) An estimate of the probable expenses of the works;

(C) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act:

Such specifications plans and sections estimates and provisional apportionments shall comprise the particulars prescribed in Part I. of the Third Schedule and shall be submitted to the Corporation who may by resolution approve the same respectively with or without modification or addition as they think fit.

(3.) The resolution approving the specifications plans and sections (if any) estimates and provisional apportionments shall be published in the manner prescribed in Part II. of the Third Schedule and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment During one month from the date of the first publication the approved specifications plans and sections (if any) estimates and provisional apportionments (or copies thereof certified by the surveyor) shall be kept deposited at the Corporation offices and shall be open to inspection at all reasonable times.

Objections to proposed works.

141. During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any of the expenses of executing the works may by written notice served on

the Corporation object to the proposals of the Corporation on any of the following grounds (namely):—

(A) That an alleged street or part is not or does not form part of a street within the meaning of this Act;

(B) That a street or part is (in whole or in part) a highway repairable by the inhabitants at large;

(C) That there has been some material informality defect or error in or in respect of the resolution notice plans sections or estimate;

(D) That the proposed works are insufficient or unreasonable or that the estimated expenses are excessive;

(E) That any premises ought to be excluded from or inserted in the provisional apportionment;

(F) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as herein-after provided) in respect of the degree of benefit to be derived by any persons or the amount or value of any work already done by the owner or occupier of any premises:

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common.

Hearing and determination of objections.

142.—(1.) The Corporation at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the same provisions with respect to stating a case as if the Corporation were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable The court may quash in whole or in part or may amend the resolution plans sections estimates and provisional apportionments or any of them on the application either of any objector or of the Corporation The court may also if it thinks fit adjourn the hearing and direct any further notices to be given.

(2.) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

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(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Corporation and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

Incidental works.

143. The Corporation may include in any private street works with respect to any street or part any works which they think necessary for bringing the street or part as regards sewerage drainage level or other matters into conformity with any other streets (whether repairable or not by the inhabitants at large) including the provision of surface and storm water outlets where necessary.

Apportionment of expenses.

144. In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting adjoining or abutting on the street or part in respect of which the expenses are to be incurred shall unless the Corporation otherwise resolve be apportioned according to the frontage of the respective premises but the Corporation may if they think just resolve that in settling the apportionment regard shall be had to the following considerations (namely) :—

(A) The greater or less degree of benefit to be derived by any premises from such works ;

(B) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also if they think just include any premises which do not front adjoin or abut on the street or part of a street but which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly.

Amendment of plans &c.

145. The Corporation may from time to time amend the specifications plans and sections (if any) estimates and provisional apportionments for any private street works but if the total amount of the estimate in respect of any street or part of a street is increased such estimate and the provisional apportionment shall be published in manner prescribed in Part II. of the Third Schedule and shall be open to inspection at the Corporation's offices at all reasonable times and copies thereof shall be served on the owners of the premises affected thereby and objections may be made to the increase and apportionment and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

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Final apportionment and recovery of expenses.

146.—(1.) When any private street works have been completed and the actual expenses thereof ascertained the surveyor shall make a final apportionment by dividing the actual expenses and the commission aforesaid in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment as the case may be and such final apportionment shall be conclusive for all purposes and notice of such final apportionment shall be served upon the owners of the premises affected thereby and the sums apportioned thereby shall be recoverable in manner provided by this Act or in the same manner as private improvement expenses are recoverable under the Public Health Act 1875 including the power to declare any such expenses to be payable by instalments.

(2.) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may by a written notice to the Corporation object to such final apportionment on the following grounds or any of them—

(A) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent.;

(B) That the final apportionment has not been made in accordance with this section;

(C) That there has been an unreasonable departure from the specification plans and sections;

(D) That the interest has been increased by unreasonable delay in ascertaining the expenses or making the apportionment.

(3) Objections under this section shall be determined in the same manner as objections to the original apportionment.

All such expenses when finally apportioned and determined shall be deemed to be private improvement expenses.

Adoption of private streets.

147. Whenever all or any private street works have been executed in a street or part of a street by the Corporation and the Corporation are of opinion that such street or part ought to become a highway repairable by the inhabitants at large they may by notice to be fixed up in such street or part declare the whole of such street or part to be a highway repairable by the inhabitants at large and thereupon such street or part as defined in the notice shall become a highway repairable by the inhabitants at large:

Provided that no such street shall become a highway so repairable if within one month after such notice has been put up the owner or the majority in number or value of owners of such street by notice in writing to the Corporation object thereto and in ascertaining such majority joint owners shall be reckoned as one owner.

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On street being paved &c. Corporation to declare same public highway.

148. If any street is now or shall hereafter be sewered levelled paved metalled flagged kerbed channelled and made good (all such works being done to the satisfaction of the Corporation) then on the application in writing of the greater part in value of the owners of the houses and land in such street the Corporation shall within three months from the time of such application declare in writing under their common seal the same to be a public highway and thereupon the said street shall become a public highway and shall be thereafter repaired by the Corporation.

Occupier in default of owner may execute works and deduct expenses from his rent.

149. Whenever default is made by the owner of any building or lands in the execution of any work required by any enactment or byelaw for the time being in force within the borough the occupier of such building or lands may with the approval of the Corporation cause such work to be executed and the expense thereof shall be repaid to such occupier by such owner or such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

Railways abutting but not communicating with streets not to be chargeable with expenses under this part of this Act.

150. No railway company shall be deemed to be an owner or occupier for the purposes of this part of this Act in respect of any land of such company upon which any street as defined in this Act shall wholly or partially front or abut and which shall be used by such company solely as a part of their line of railway sidings stations or works and shall have no communication with such street and the expenses incurred by the Corporation under the powers of this part of this Act which but for this provision such railway company would be liable to pay shall be paid to the Corporation by the other owners having frontages abutting on such street and in such proportion as shall be settled by the surveyor and in the event of such railway company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the Corporation the expense which but for the foregoing provision such railway company would in the first instance have been liable to pay and the Corporation shall divide among the owners for the time being having frontages abutting on such street the amount so paid by such railway company to the Corporation in such proportion as shall be settled by the surveyor But this section shall not apply to any street (as defined in this Act) existing at the date of the passing of this Act.

Saving for special contracts between landlords and tenants.

151. Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable or recoverable by this Act or any byelaw thereunder of any owner and occupier as between themselves under any special contract relative thereto.

Works by owner.

152. In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation then after notice of this provision given by the owner to the occupier any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by such notice to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

In executing works in default of owner Corporation not liable except for negligence.

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

Corporation may charge supervision in addition to costs.

154. Whenever under any enactment or byelaw for the time being in force within the borough the Corporation either on the application or in consequence of the default of the owners or occupiers of any premises execute any work the cost of which is payable by such owners or occupiers the Corporation may if they see fit in addition to the actual cost of such works charge and recover in respect of plans sections measuring supervision and all other matters an amount not exceeding five per centum of the amount of the actual cost of such works in this Act referred to as supervision costs.

No incumbent of any church &c. liable to expenses for draining and paving.

155. No incumbent minister or trustee of any church chapel or place appropriated to public religious worship which is now by law exempt from rates for the relief of the poor shall be liable to any expenses under this Act of draining levelling paving flagging or channelling metalling or making good any street as the owner or occupier of such church chapel or place or of any churchyard or burial-ground attached thereto situate within any street nor shall any such expenses be deemed to be a charge on such church chapel

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or other place or on such churchyard or burial-ground or to subject the same to distress execution or other legal process and the Corporation shall undertake any works from the expenses of which any such incumbent minister or trustee is hereby exempted and defray the expenses thereof out of the general district rate.

Meaning of private improvement expenses.

156. The expression "private improvement expenses" shall mean and include all private improvement and new street expenses and private street works expenses expressly so called when finally apportioned or determined and all other expenses at any time incurred by the Corporation for the repayment whereof the owner or occupier of the building or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner or occupier together with the interest chargeable thereon and supervision costs.

Private improvement expenses to carry interest.

157. If any private improvement expenses be not paid within the period of fourteen days from the date of the demand thereof (unless the same be disputed and in that case within fourteen days after the settlement of such dispute) by the Corporation they may after the expiration of such period charge interest thereon to the date of payment after such rate as they may determine not exceeding five pounds per centum per annum and such interest shall be added to and be deemed part of the private improvement expenses and be recoverable accordingly and notice of the surveyor's apportionment shall be deemed a sufficient demand for all purposes whatsoever except in case of dispute in which case a fresh demand shall be made after the settlement of the dispute.

Agreement may be made as to apportionment of private improvement expenses.

158. The Corporation and the owner for the time being of any lands liable to private improvement expenses may at any time or times agree as to the apportionment of such expenses or any part or parts thereof or any division or sub-division thereof among the premises belonging to such owner affected by such expenses and every such agreement shall be binding on the parties thereto and their successors and sequels in estate and subject thereto such expenses shall be apportioned by the surveyor between owners of lands subject thereto and between lessees and reversioners of such lands according to the frontage thereof Provided that nothing in this section shall alter the liabilities as between owner and lessee under any special contract relative thereto made before the passing of this Act.

Charge on premises.

159. The Corporation shall for the recovery of private improvement expenses have all the same powers and remedies under the

Conveyancing and Law of Property Act 1881 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

(2.) The Corporation shall keep a register of charges under this Act and of the payments made in satisfaction thereof and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for and the Corporation shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the Corporation.

Recovery of expenses summarily or by action.

160. The Corporation may if they think fit from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due for private improvement expenses the whole or any portion thereof such expenses shall be calculated from the date of the final apportionment and determination thereof in the case of private street works and from the date of the completion of the works in all other cases Provided that any proceeding in a court of summary jurisdiction or county court under this section may be commenced at any time within twelve months and not afterwards of the time when the matter of such proceedings arose.

Persons having partial interests may raise expenses by mortgage.

161. All owners of buildings or lands being tenants for life only and all committees of the estates of lunatics and all trustees seised possessed or entitled to any estate or interest either at law or in equity in any buildings or lands for or on behalf of any person or charity (all of whom are in this section included in the expression "mortgagor") may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any private improvement expenses which the owners of such buildings or lands for the time being are liable to pay and the expenses of making such charge and for securing the repayment of such sum with interest may mortgage such buildings or lands for the term of twenty years unto or in trust for any person who shall advance such moneys but so that every such mortgage be made with a condition to cease and be void or with an express trust to be surrendered or assigned when the money to be thereby secured with all interest thereon shall have been fully paid and satisfied and so that in every such mortgage there be contained a covenant by the mortgagor to pay and keep down the interest of the money to be secured during his life or the continuance of his interest

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therein as the case may be and to set aside during such life or continuance as the case may be yearly and every year following the execution of such mortgage one-twentieth part at least of the whole original sum secured by such mortgage in such manner that no person afterwards becoming possessed of such house or land or of any estate or interest therein shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when his title to possession shall accrue or commence or any greater proportion of the original sum secured by such mortgage than the unexpired term of such mortgage doth or shall bear to the whole term mentioned and the amounts annually set aside under the covenants of such mortgage shall be invested in Exchequer bills or other Government securities in the joint names of the mortgagor and the mortgagee and shall accumulate until the whole amount secured by such mortgage can be paid off or until the sum so accumulated shall be accepted by the mortgagee in discharge of the like amount of the principal sum secured by such mortgage and every such mortgage shall be valid in law and equity for the purposes thereby intended and shall have priority over all previous charges or incumbrances on the property therein comprised and every such mortgagee and his representatives and assigns shall have the like remedies in case of non-payment of the moneys thereby secured as in the cases of other mortgages of the like nature If the mortgagor shall advance or pay the whole amount of the moneys so repayable as aforesaid he shall be deemed to be a mortgagee in respect thereof and shall have the same rights and priority as a mortgagee would have under this section and a certificate of such advance or payment under the hands of the treasurer shall be conclusive proof of the rights of such mortgagor to the extent of the amount certified for under this section.

Mortgagees in possession may recover moneys paid by them for sewering &c. in same way as principal and interest.

162. Where any building or land shall be in the possession of any mortgagee or other person having in his own right any charge or incumbrance thereon such mortgagee or other person shall have and may exercise the same powers and remedies for the recovery of any moneys paid by him in respect of charges and expenses recoverable as aforesaid from the owner of such building or land as he has or may exercise for the recovery of the principal money secured by such mortgage or the interest thereof.

Contribution by Corporation to expenses.

163. The Corporation if they think fit may at any time resolve to contribute the whole or a portion of the expenses of any private street works and may pay the same out of the district fund or general district rate.

Power to apply district fund &c. for private improvement expenses.

164. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough are authorised to execute re-execute or alter any work act or thing in default of the owner occupier or other person required to do the same and whenever the Corporation execute any such works upon the application of or by agreement with the owner of the lands houses or other property for or in respect of which the same are to be executed the Corporation may apply the district fund and the general district rate in or towards the executing re-executing or altering of such work act or thing but this section shall not affect the liability of any such owner occupier or other person to repay the moneys expended by the Corporation.

Separate accounts of expenses of works.

165. The Corporation shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this part of this Act relating to private street works.

Power of Corporation to borrow for private street works.

166. The Corporation may from time to time with the sanction of the Local Government Board borrow on the security of the district fund and general district rate moneys for the purpose of temporarily providing for expenses of private street works And the powers of the Corporation to borrow under the Public Health Act 1875 shall be available as if the execution of private street works under this Act were one of the purposes of the Public Health Act 1875.

Part XV.—Rates and Finance.

Expenses of execution of Act.

167. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of them as are to be paid out of borrowed money) shall be paid as follows (that is to say):—

Sanitary purposes out of the district fund and general district rate;

All other expenses out of the borough fund and borough rate.

As to rating in the added area.

168.—(1) For the period of five years from the commencement of this Act no rate shall be charged assessed or levied by the Corporation or other authority for the purposes of the Education Acts or any Acts amending the same upon any house building shop tenement workshop manufactory or works or any owner or occupier of the same in respect thereof in the added area and for the further period of five years next after the expiration of such first-named five years all such houses buildings shops tenements workshops manufactories and works and the owners or occupiers thereof in respect of the same shall be charged assessed and rated for the

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purposes of the said Acts or any Acts amending the same at one half only and no more of the rateable value of such houses buildings shops tenements workshops manufactories and works.

(2) For the period of twenty-five years from the commencement of this Act the owner of any tithes tithe commutation rentcharges and the owner or occupier of any land used as arable meadow or pasture ground only or as woodlands market-gardens or nursery-grounds and the occupier of any land covered with water or used only as a canal or towing-path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance in the added area shall be assessed for the purposes of the borough rate and of all other rates in respect of one fourth only of the rateable value thereof.

(3) The Corporation may and shall when they shall deem it necessary or advisable provide a system of main sewerage or main drainage for that part of the township of Stockton which is situate outside or beyond the limits of the existing borough and shall not nor will make or cause to be made or create such part or any portion of such part a special drainage district separately from the existing borough nor assess levy or charge upon any land house building shop tenement workshop or manufactory or works situate in such part any special rate or charge for any such system of main sewerage or main drainage as aforesaid.

The Corporation may collect municipal rates.

169.—(1) The Corporation may if they think fit from and after the commencement of this Act by resolution of the council determine themselves to levy collect and recover as well as to make and assess all or any of the municipal rates as herein-after defined.

(2) So long as such a resolution is in force in the borough the council may from time to time make any municipal rate of the amount in the pound necessary for raising the sum estimated by the council to be required for the purposes to which such rate is applicable but subject to any limitation of amount to which any such rate is subject.

(3) Every municipal rate so made by the council shall (subject to the provisions of this Act) be assessed on and levied from the occupiers of all hereditaments in the borough for the time being by law assessable to any rate for the relief of the poor and shall be assessed on the full net annual value of such property as ascertained by the valuation list for the time being in force or if there be none by the rate for the relief of the poor made next before the making of the assessment under this Act.

(4) Subject as aforesaid the council may make assess levy collect and recover any such municipal rate in the same manner as and

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with and under the same provisions (except as to exemptions from and reductions in the assessment and deductions from the amounts of rates not being an exemption or reduction to which the occupier of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance is entitled under the provisions of the recited Acts or any of them) with which they make assess levy and recover the general district rates and they may so make assess levy collect and recover the same rates either together or as separate rates.

(5) They may employ and pay such clerks collectors and other persons as may be required for the purpose of this section and the Corporation and persons so employed shall as nearly as may be have the like powers rights and remedies for and be subject to the like obligations with respect to the making assessing levying collecting and recovering of such rates as overseers have and are subject to by law in relation to poor rates and the obligations and duties of the overseers and their collectors shall on the exercise by the Corporation of the powers of this section cease in relation to the making assessing levying and collecting of the said rates within the borough.

(6) Nothing in this section shall prejudice or affect the collection and recovery by the overseers of any borough rate or municipal rate made before the Corporation so exercise the said powers.

(7) Nothing in this Act shall be construed to require any municipal rate to be allowed by justices.

(8) The Corporation may include any municipal rate general district rate water or gas rate rent or charge and all other rates for the time being leviable by them in one or more book or books or set of books of assessment with separate columns and divisions and in one demand note.

Power of Corporation as to valuation list.

170.—(1) If for any reason the council at any time think that the valuation list or poor rate is not a fair criterion of value they may from time to time cause an independent valuation to be made and for the purposes of such independent valuation they may exercise the powers incident to the making of an independent valuation conferred upon the council by section 144 of the Municipal Corporations Act 1882.

(2) If after the making of the valuation list or if there be none then after the making of the last poor rate and before the making of the next borough or district rate by the Corporation any building be newly erected which would be assessable to the poor rate the Corporation may cause such building to be valued by a competent valuer and the Corporation may in making the assessment for such

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borough rate or district rate for the district in which such building is situate include such building therein.

(3) For the purpose of every such valuation the valuer with his assistants may at all reasonable hours until the same is completed enter and survey all and every part of the property to be valued and do any act or thing necessary for the making of such valuation and the valuer may accept any valuation tendered to him which he may consider just and true.

Power to appeal against rates.

171. If any person think himself aggrieved by any rate made under the preceding section of this Act the marginal note whereof is "the Corporation may collect municipal rates" or on the basis of any valuation made under the provisions of the last preceding section he may at the first practicable meeting of the Corporation held after the publication of such rate after giving three days notice in writing to the Corporation or as regards any railway or canal company at the first meeting of the Corporation held not earlier than twenty-one clear days after notice in writing to such company of the making of such rate apply to the Corporation for relief and they may grant such relief as they may think right and may amend such rate accordingly and if any such person think himself aggrieved by the determination of the Corporation he may appeal to the next practicable court of quarter sessions under and according to the provisions of section 269 of the Public Health Act 1875 as amended by the Summary Jurisdiction Act 1884.

Definition of municipal rate.

172. In and for the purposes of this and the last three preceding sections the expression "municipal rate" means and includes the borough rate and watch rate and all other rates or contributions (general or special) which the council are authorised to levy under this Act or to levy or cause to be levied under or for the purposes of the following Acts (namely) :—

The Public Libraries Act 1855 18 and 19 Victoria chapter 70 and any Act amending the same ;

The Education Act 33 and 34 Victoria chapter 75 ;

The Municipal Corporations Act 45 and 46 Victoria chapter 50 ;

and other public or local Act or Acts for the time being and from time to time hereafter in force authorising the Corporation or the council to levy or cause to be levied or to pay or provide any rate contribution sum of money or payment on the same basis as or out of the borough rate.

Power to levy rates by instalments.

173. The Corporation may levy any rate they are for the time being authorised to make either in one sum or by any number of instalments of such amounts and to be paid at such times within

the financial year as they shall from time to time fix and determine at the time of making the rate but if the rate is made payable by instalments the demand note shall in addition to other requisite particulars state the time appointed for payment of each instalment and all the powers rights and remedies of the Corporation and their officers for levying and recovering of rates shall extend and apply to each instalment as if the same were a separate rate. A.D. 1889.

Accounts &c. to be adjusted by Local Government Board.

174. The Local Government Board are hereby empowered on the application of either of the rural sanitary authorities having an interest in the matter to adjust all accounts and apportion any rates leviable or in hand and any debts liabilities and obligations incurred and any contributions to be made and any property acquired by the Corporation or the rural sanitary authorities respectively which by reason of the provisions of this Act may be required to be adjusted or apportioned and may make such order as they deem expedient for effecting the objects of this section.

Any order of the Local Government Board made under this section shall be conclusive.

Any costs incurred by the Local Government Board including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector in relation to the duties imposed on that Board under this Act shall be paid by such one or more of the parties concerned and in such proportions as the Local Government Board shall direct and shall be recoverable summarily.

Power to borrow.

175. The Corporation may from time to time (in addition to any moneys they now are or hereafter may be authorised to borrow under the provisions of any Act) borrow at interest on the security of the borough fund and borough rate for the following purposes the following sums (that is to say) :—

For paying the costs charges and expenses of and in relation to this Act and of and in relation to the paying off and re-borrowing of moneys under the powers of any Act the sum requisite for the purpose ;

For the purchase of the tramways the amount of the purchase money therefor together with the costs of and incident to the purchase and transfer thereof :

In calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Public Health Act.

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Incorporation of certain provisions of Act of 1869.

176. The following provisions of the Act of 1869 (that is to say) :—

Section 284 (Form of mortgages.) (Register of mortgages.)
Section 285 (Transfer of mortgages.) (Register of transfers.)
Section 286 (Receiver may be appointed in certain cases.)

shall extend and apply mutatis mutandis to and in relation to moneys borrowed under the powers of this Act.

Repayment of borrowed moneys.

177. All moneys borrowed under the powers of this Act shall be repaid within the following periods (that is to say) :—

(1) As to moneys borrowed for paying the costs of this Act in any period not exceeding ten years from the date of the borrowing;

(2) As to moneys borrowed for private street expenses within such period as the Local Government Board may in each case prescribe;

(3) As to other moneys borrowed under the powers of this Act (except moneys borrowed for private street expenses) within thirty years from the dates when the same shall have been respectively borrowed;

(4) And such repayment shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of sinking funds;

Or partly by such instalments and partly by sinking funds;

(5) And the sinking funds shall be provided as follows :—

The Corporation in every year after the respective dates in that behalf by this section prescribed shall appropriate and set apart out of the tolls funds and rates on the security of which such moneys shall have been borrowed such equal sum as will with the accumulations thereof by way of compound interest at three per centum per annum be sufficient to pay off the whole of the principal moneys borrowed on such security within the periods by this Act prescribed;

(6) The first payment by instalments or to the said sinking funds as the case may be shall be made on the thirty-first day of March next following the time of the borrowing of such moneys.

As to sinking funds generally.

178. The following provisions shall extend and apply to and in relation to all sinking funds of the Corporation for the time being subsisting (that is to say) :—

The yearly sums to be appropriated and set apart for any sinking fund shall be invested from time to time and accumulated in

the way of compound interest by investing the same respectively in any statutory security ;

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate of three pounds per centum per annum Provided also that whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Application of moneys from sale &c. of land.

179. The Corporation shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

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

180. The borough accountant shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the borough accountant if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the

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sinking fund and the interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the borough accountant shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any such instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Power to re-borrow.

181. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under any statutory borrowing power on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so from time to time Provided as follows:—

The time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed;

For the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan;

The Corporation shall not re-borrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale of land or out of premiums or fines on leases;

The Corporation shall not re-borrow any moneys borrowed under the powers of the recited Acts which they shall repay out of Corporation stock.

Corporation may borrow under recited Acts or this Act on specific securities.

182. When under the powers of any statutory borrowing power the Corporation re-borrow any moneys they may so re-borrow on the security of all or any of the funds rates rents tolls and revenue which are respectively liable for the payment of interest on the money so re-borrowed.

Application of borrowed moneys.

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

Corporation not to regard trusts.

184. 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 book 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 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 of such money.

Power to borrow under Local Loans Act 1875.

185.—(1.) The Corporation may if they think fit borrow any moneys which they are by any statutory borrowing power authorised to borrow 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 debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Corporation in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under such statutory borrowing power and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf.

(2.) All moneys paid into any sinking fund formed for the purpose of such discharge may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested.

Part XVI.—Corporation Stock.

Interpretation in this part of Act.

186.—(1) In this part of this Act:—

"Rate" includes market gas water and quay and tramway revenues;

"The Bank of England" means the Governor and Company of the Bank of England;

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"Statutory declaration" means declaration under the Statutory Declarations Act 1835 and any Act amending the same;

"Person" includes Corporation;

"Schedule" means the schedule to this Act relating to this part of this Act.

(2) The provisions of this part of this Act referring to interest apply to and include instalments of an annuity and half-yearly or other payments of or in respect of a rentcharge rent or other statutory security.

Creation and Charge of Stock.

Creation of Corporation stock.

187.—(1) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this part of this Act the Corporation may from time to time by resolution of the council exercise the power by creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price to bear such half-yearly or other dividends and to be so transferable that is to say in books or by deed as the Corporation by the resolution direct Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock.

(2) All stock at any time and from time to time so created 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 creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall also rank equally with all other securities of the Corporation at any time after the date of the first issue of Corporation stock granted by the Corporation in pursuance of any statutory borrowing power.

(3) The resolution for the first creation of Corporation stock shall provide that such stock shall be redeemable by the Corporation at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the Corporation by that resolution declare.

(4) Each resolution for creation of stock shall specify that the stock thereby created is redeemable.

(5) Stock so created shall be designated by the Corporation as Stockton-on-Tees Corporation Redeemable Stock.

Borrowing power to be

188. Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Cor-

poration stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raisable by the Corporation under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any mortgage bond debenture stock annuity rentcharge rent or other security granted or created by the Corporation.

exerciseable for actual sum raisable.

Charge of Corporation stock.

189.—(1) All Corporation stock for the time being issued and the dividends thereon shall be and the same are by virtue of this Act charged indifferently on the whole revenues of the Corporation from time to time arising from the property for the time being of the Corporation and on the borough fund and borough rate and on the district fund and general district rate and on the gas water quays market and tramway revenue and on all other funds and rates established and leviable by the Corporation as a municipal body for municipal purposes or as a sanitary authority for sanitary purposes.

(2) The dividends for the time being payable on all Corporation stock shall rank equally with the interest on all other securities at any time after the date of the first issue of Corporation stock granted or created by the Corporation in pursuance of any statutory borrowing power and the same dividends and interest shall subject to all charges existing at that date be the first charge on the revenues and rates aforesaid and on the revenues of the funds aforesaid (all which revenues and rates are comprised in the term "the Corporation revenues" when hereafter used in this part of this Act).

Loans Fund.

Corporation loans fund.

190. For payment of dividends on all Corporation stock and for redemption and extinction or purchase and extinction of all Corporation stock there shall be established and formed a fund called the Stockton-on-Tees Corporation Loans Fund (in this part of this Act referred to as "the loans fund").

Contributions to loans fund for dividends.

191.—(1) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all dividends payable in that year on the several portions of Corporation stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

(2) They shall provide the sum or sums aforesaid by contributions from the several Corporation revenues if any specifically made

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liable to provide the same by or under any Act of Parliament or any provisional order confirmed by Act of Parliament or any order or sanction of any Government department or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which interest would have been payable on money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation stock and in default thereof or subject thereto they shall provide the same out of the borough fund and borough rate or out of the district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and to the objects for which the statutory borrowing power was exercised may consider equitable.

(3) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the sums ascertained to be required in that behalf by apportionment of that aggregate amount of dividends among those several Corporation revenues according to the amount of stock the dividends whereon are properly payable thereout respectively.

Contributions to loans fund for extinction of stock.

192.—(1) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all sums payable in that year for redemption and extinction or purchase and extinction of the several portions of Corporation stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

(2) They shall provide the sum or sums last aforesaid by contributions from the several Corporation revenues if any specifically made liable to provide the same by or under any Act of Parliament or any provisional order confirmed by Act of Parliament or any order or sanction of any Government department or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which any yearly or other sums would have been payable towards a sinking fund for discharge or towards payment off by instalments appropriations annual repayments or otherwise of money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation stock and in default thereof or subject thereto they shall provide the same out of the borough fund and borough rate or out of the district fund and general district rate as the Corporation

having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the same amounts as would in the same respective cases have been payable towards a sinking fund or towards payment off as aforesaid those contributions to be subject to accumulation if and as in the same respective cases accumulation was prescribed.

(4) The Corporation shall from time to time by investment on statutory securities of the sums paid into the loans fund in respect of those several contributions or of proper parts thereof and by like investment of the interest and annual proceeds arising from those securities make and maintain such accumulations as are in this section referred to.

(5) But if the extinction of any portion of Corporation stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund required by this part of this Act to be applied to the making and maintenance of those accumulations then a sum or sums equal to the dividends on the stock so extinguished shall thenceforth in every year during the residue of the period expressly or by implication limited for the continuance of any loan be paid into the loans fund out of the Corporation revenues chargeable with payment of the dividends on that portion of stock.

Raising of contributions to loans fund.

193.—(1) The Corporation shall from time to time in order to raise the amounts of the several contributions of the two kinds aforesaid out of the several Corporation revenues do all such acts exercise all such powers collect all such money and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purposes of or in relation to the respective statutory borrowing powers in exercise whereof the several portions of Corporation stock are issued.

(2) If by reason of any limit of a rate or for any other reason there is a deficiency on any Corporation revenue in respect of any required contribution the Corporation shall advance the amount of the deficiency out of the borough fund and borough rate or district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3) The amount so advanced shall be a debt due from the Corporation revenue on which the deficiency existed to the fund or rate out of which the advance is made and interest shall be

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payable thereon at the rate of three and a half per centum per annum until repayment and the same debt and interest shall as soon as in the judgment of the Corporation reasonably may be be raised and paid out of the Corporation revenue on which the deficiency existed.

Payment of sale money rents &c. to loans fund.

194.—(1) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation on the revenues whereof any Corporation stock is charged.

(2) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund the rents and profits of any land and other property of the Corporation acquired by them for the purposes of any undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock and not otherwise wholly or in part appropriated or made applicable by law or by valid contract.

(3) The Corporation before making any payment into the loans fund under this section may deduct from the money or the rents and profits to which this section applies any costs and expenses properly incurred by the Corporation in or about any sale lease or other disposition or the collection and receipt of any rents and profits.

Application of loans fund.

195. The Corporation shall from time to time apply the loans fund first in paying the dividends on all Corporation stock and next in redeeming Corporation stock according to the terms of issue and purchasing for extinction Corporation stock.

Extinction of stock redeemed or purchased.

196. All Corporation stock redeemed by the Corporation or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Act extinguished.

Account of loans fund.

197.—(1) As parts of the general account of the loans fund the Corporation shall keep separate accounts relative to—

(A) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock; and

(B) Each statutory borrowing power so exercised.

(2) Those separate accounts shall distinguish and show—

(c) The portions of Corporation stock for the time being unextinguished and chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to that undertaking or purpose; and

(d) The amounts of those several portions of Corporation stock redeemed or purchased by means of the loans fund and cancelled and extinguished.

(3) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—

(e) All money being capital or in the nature of capital arising from any sale lease or other disposition of land or other property of the Corporation paid into the loans fund and in the judgment of the Corporation properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested; and

(f) All money from time to time received as interest and annual proceeds of the last-mentioned money and securities; and

(g) All money from time to time received as rents and profits of any land and other property of the Corporation so as aforesaid acquired and not otherwise appropriated or made applicable; and

(h) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the last-mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and

(j) All money paid into the loans fund as contributions from the Corporation revenues in respect of dividends on the several portions of Corporation stock chargeable to that undertaking or purpose; and

(k) All money paid into the loans fund as contributions from the Corporation revenues in respect of redemption and extinction or purchase and extinction of those several portions of Corporation stock; and

(l) All money being unclaimed dividends paid into the loans fund as herein-after provided.

Application of income in reduction of contributions.

198.—(1) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as rents and profits of the land and other property of the Corporation or being

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money paid into the loans fund as interest on cash balances received by the Corporation or being other money paid into the loans fund but not being capital or in the nature of capital and not being required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation may deal with the same as in this section provided.

(2) Where any money is standing on a separate account in the loans fund being money required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation after providing for the making and maintenance of those accumulations may if they think fit from time to time invest that money or any part thereof in statutory securities and deal with the interest and annual proceeds of those securities as in this section provided.

(3) The Corporation may if they think fit from time to time apply the money described in paragraph (1) of this section and the last-mentioned interest and annual proceeds to either of the purposes following or to both of those purposes in such proportions as the Corporation from time to time may consider equitable and expedient (that is to say):—

(A) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portions of Corporation stock comprised in the separate account on which the money or interest and annual proceeds is or are standing;

(B) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund for redemption and extinction or purchase and extinction of those portions of stock.

Determination as to charge of stock.

199. For the purposes of any contribution or account under this part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any loan of the Corporation was contracted or any Corporation stock was issued may from time to time determine and declare on which of the Corporation revenues any loan of the Corporation or any portion of Corporation stock is or shall be deemed to be primarily or collaterally charged or determine and declare that any loan of the Corporation or any portion of Corporation stock shall be apportioned as regards the charge thereof between or among any of the Corporation revenues and every such determination and declaration shall be effectual to all intents.

Conversion of other Securities into Stock. A.D. 1889.

Payment off or substitution for existing securities.

200.—(1) Where any mortgage bond debenture debenture stock annuity rentcharge or other security granted or created before or after the passing of this Act by the Corporation under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security.

(2) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Corporation stock or partly in one and partly in the other.

(3) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) In every such case of payment off redemption or substitution the Corporation shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of the sinking fund applicable to the discharge of the security.

(5) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(6) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every

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deed or other instrument or testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

Effect on Borrowing Powers.

Extinction or suspension of power.

201. On the issue of any portion of Corporation stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows (namely) :—

(A.) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Corporation under the statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but

(B.) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be re-borrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

Application of Money raised.

General application of money from Corporation stock.

202. Money raised by Corporation stock shall be applied for purposes for which money raisable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise.

Temporary investment of money raised by stock.

203.—(1) The Corporation may from time to time invest temporarily on statutory securities other than stock certificates to bearer money raised by Corporation stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the loans fund.

(2) The Corporation may if they think fit from time to time apply the interest and annual proceeds aforesaid or any part thereof in reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the respective portions of Corporation stock by the issue whereof that money is raised.

Registration and Certificates.

Appointment of registrar.

204.—(1) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any

provision of this part of this Act as they think expedient appoint and keep appointed an officer of the Corporation or other person or the Bank of England or any other bank or a banker as registrar for all or any of the purposes of this part of this Act (in this part of this Act referred to as "the registrar").

(2) The Corporation in relation to the provisions of this part of this Act and the registrar shall respectively be deemed a banker within the Bankers Books Evidence Act 1879.

Corporation stock register.

205.—(1) The Corporation or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this part of this Act referred to as "the Corporation stock register").

(2) The Corporation stock register shall be primâ facie evidence of any matter entered therein in accordance with this part of this Act and of the title of the persons entered therein as holders of stock.

Certificates of proprietorship of stock.

206.—(1) On demand of a holder of Corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof under their common seal specifying the amount of Corporation stock to which he is entitled (in this part of this Act referred to as a stock certificate).

(2) A stock certificate shall be primâ facie evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(3) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(4) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the Corporation stock register.

Transfer.

Power for stockholder to transfer.

207. Subject to the provisions of this part of this Act every Corporation stockholder may transfer all or any part of his stock in books or by deed.

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Transfer in books.

208.—(1) If and where the resolution for creation of any portion of Corporation stock makes the same transferable in books and not by deed the provisions of this section shall apply and have effect but not otherwise.

(2) The Corporation or the registrar shall keep books wherein transfers of Corporation stock so transferable shall be entered (in this part of this Act referred to as "the Corporation stock transfer books").

(3) Every such entry shall be conceived in proper words for the purpose of transfer and shall be signed by the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness.

(4) Where the Bank of England are the registrar they may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two or more credible witnesses.

(5) The person to whom a transfer is made may if he thinks fit underwrite his acceptance thereof.

(6) Except as otherwise provided by some other Act of Parliament and subject to the provisions of this part of this Act respecting any portion of Corporation stock which the resolution for creation thereof makes transferable by deed and not in books no mode of transferring Corporation stock other than that prescribed in this section shall be good in law.

Transfer by deed.

209.—(1) If and where the resolution for creation of any portion of Corporation stock makes the same transferable by deed and not in books the provisions of this section shall apply and have effect but not otherwise.

(2) Every transfer of Corporation stock so transferable shall be by deed.

(3) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(4) The deed of transfer when duly executed shall be delivered to and kept by the Corporation or the registrar and the Corporation or the registrar shall enter a memorial thereof in a book to be called the register of transfers of Corporation stock and shall indorse on the deed of transfer a notice of that entry.

(5) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorse-

ment being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock certificate.

(6) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on transfer.

210.—(1) The Corporation or the registrar before allowing any transfer of stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar with the approval of the Corporation may require.

Closing of transfer books.

211.—(1) The Corporation or the registrar with the approval of the Corporation may as regards any portion of Corporation stock close the Corporation stock transfer books or the register of transfers of Corporation stock (as the case may be) on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than fifteen days.

(2) The persons who on the day of such closing are inscribed as Corporation stockholders shall as between them and their transferees of Corporation stock be entitled to the dividend next payable thereon.

Stamp duty on transfers.

212. Unless the Corporation have compounded for stamp duty all stock issued by the Corporation shall notwithstanding anything in any resolution of the Corporation be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

Transmission.

Transmission on death.

213.—(1) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Corporation or the registrar for registration and may require all the executors who have proved the will to join in the transfer.

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Transmission on marriage &c.

214.—(1) If the interest in any Corporation stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require.

(2) The declaration shall state the manner in which and the party to whom the stock has been transmitted and shall be left with the Corporation or the registrar.

(3) If the transmission is in consequence of the marriage of a female stockholder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage or other particulars of the celebration thereof and declare the identity of the wife with the holder of the stock.

(4) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

(5) Until the transmission has been so authenticated the Corporation or the registrar shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6) In this section the term "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

Dividends.

Payment of dividends.

215. The Corporation may pay by the registrar the dividends on Corporation stock.

Dividends to executors &c.

216. The Corporation or the registrar shall not be required to allow any executors or administrators to receive any dividend on Corporation stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation or the registrar for registration.

Evidence of title.

217. The Corporation or the registrar before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of a competent person or of such other nature as the Corporation or the registrar may require.

Dividends to joint holders.

218.—(1) Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an

effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation or the registrar by any other of them.

(2) Where Corporation stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar before acting on the letter of attorney may if they or he think fit require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividend warrants by post.

219.—(1) Where a Corporation stockholder desires to have his dividends sent to him by post he may make a request for that purpose to the Corporation or the registrar in writing signed by him in a form approved by the Corporation and shall give to the Corporation or the registrar an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent.

(2) The posting by the Corporation or the registrar of a letter containing a dividend warrant addressed to a stockholder at his request at the address so given by him shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(3) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Stock Certificates with Coupons to Bearer.

Provisions respecting stock certificates with coupons to bearer.

220.—(1) On demand of a Corporation stockholder the Corporation or the registrar may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupons shall give a title to dividends beyond the time limited for redemption of the stock.

(2) A Corporation stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3) Notwithstanding anything in this Act a trustee shall not apply for purchase take or hold a Corporation stock certificate to

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bearer unless he is in express words authorised to do so by the instrument creating his trust and any contravention of this provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Corporation or the registrar an obligation to inquire or to take notice whether a person applying for or holding a stock certificate to bearer is or is not a trustee or subject the Corporation or the registrar to any liability in case of their or his with or without notice issuing to a trustee a stock certificate to bearer or invalidate any stock certificate to bearer issued.

(4) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable in books or by deed under and according to the provisions of this part of this Act.

(5) The bearer of a Corporation stock certificate to bearer may on delivery up to the Corporation or the registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable in the Corporation stock transfer books or by deed as the case may require and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(6) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

(7) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(8) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(9) Where the Bank of England are the registrar coupons shall be payable at the chief establishment of the Bank at the expiration of three clear days from the day of presentation and at any branch establishment of the Bank situate more than ten miles from the chief

establishment at the expiration of five clear days from the day of presentation. A.D. 1889.

(10) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(11) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(12) All coupons issued under this Act in respect of any Corporation stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(13) Corporation stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable in books or by deed.

General.

Nature of Corporation stock. Notice of trusts.

221.—(1) Corporation stock is personal property.

(2) Corporation stock is not liable to foreign attachment by the custom of London or otherwise.

(3) No notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certificate to bearer or coupon shall be entered in the Corporation stock register or in any other book kept by the Corporation or the registrar or be receivable by the Corporation or the registrar or affect the Corporation through the registrar or otherwise.

Receiver.

222.—(1) If at any time the Corporation for two months after demand in writing fail to pay any dividend due on any Corporation stock the person entitled thereto may apply to Her Majesty's High Court of Justice for a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as

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the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for purposes of this part of this Act.

(3) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

Holdings of Corporation stock by trustees.

223.—(1) Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in Corporation stock (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid:

(2) Provided that where two or more persons are or may under the instrument creating the trust become successively interested in trust money no investment thereof shall be made in Corporation stock at a price exceeding the redemption value of the stock.

Protection of holders of Corporation stock.

224. A person taking or holding Corporation stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Corporation or otherwise in accordance with this part of this Act or whether or not the council or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the council were legal or regular or to see to the application of any money raised by Corporation stock or be answerable for any loss or misapplication thereof.

Annual return to Local Government Board.

225.—(1) Once in every year at a time appointed by the Local Government Board the Corporation shall send to that Board an abstract of the accounts of the Corporation relating to Corporation stock and the loans fund in a form prescribed by that Board and verified by a statutory declaration of the borough accountant if required by that Board.

(2) In case of wilful default therein by the Corporation the Corporation shall on each occasion be liable to a fine not exceeding two hundred pounds and in case of wilful default therein by the borough accountant the borough accountant shall on each occasion be liable to a fine not exceeding twenty pounds and every fine under this section shall be recoverable summarily on the prosecution of the Local Government Board and not otherwise.

(3) If by any such abstract or otherwise it appears to that Board that the Corporation have failed to comply with any requisition of

this part of this Act in relation to any payment application or investment or otherwise in relation to Corporation stock or the loans fund that Board may notwithstanding any proceeding for the recovery of any fine or any other proceeding taken by that Board by order require the Corporation to make good the default within a time therein limited.

Unclaimed dividends.

226.—(1) If at any time any dividend on any Corporation stock is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2) Where any dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3) At the end of every successive period of five years from the day when the first dividend becomes payable on Corporation stock first issued after the passing of this Act the Corporation shall publish an advertisement in a newspaper circulating in the borough stating what if any dividends on Corporation stock other than those falling due at the then last half-yearly or other day of payment are then unclaimed and the names and addresses appearing in the Corporation stock register of the holders of the stock on which the dividends are unclaimed.

(4) At the end of every successive period of ten years from the day when the first dividend becomes payable on Corporation stock first issued after the passing of this Act the Corporation unless it has been otherwise agreed between them and the registrar may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Corporation shall pay the same into the loans fund and may deal therewith as they are by this part of this Act empowered to deal with money paid into the loans fund as interest on cash balances received by them without prejudice nevertheless to the rights of any person to those dividends.

Saving for power to borrow otherwise.

227. Nothing in this part of this Act shall affect any power of the Corporation to raise otherwise than by Corporation stock any money which they do not think fit to raise by Corporation stock but whenever from time to time after the date of the first issue of Corporation stock the Corporation raise money otherwise than by Corporation stock they shall cause to be given to each lender of money so raised notice in writing signed by the town clerk or other

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authorised officer of the Corporation of the equality of charge which Corporation stock has by virtue of this part of this Act.

Saving for power of revocation.

228. Notwithstanding anything in this part of this Act the council may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the council if and as far as the same has not been acted on by the issue of stock thereunder.

Saving for other obligations.

229. Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Corporation from any obligation imposed on them in relation to any statutory borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for power to sell lands &c.

230.—(1) Nothing in this part of this Act shall affect any power or duty of the Corporation to sell lease or otherwise dispose of any land or property of the Corporation or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of Corporation stock or affect any claim of any person under such first-mentioned charge.

(2) That land or property shall in the hands of the purchaser or other person taking the same under the sale lease or other disposition be by virtue of this Act absolutely freed from the charge of Corporation stock and he shall not be concerned to see to the application of that purchase money or other money or be answerable for any loss or misapplication thereof.

Saving for existing securities.

231. Nothing in or done under this part of this Act shall affect any security or charge created or granted or payable by the Corporation before and subsisting at the date of the first issue of any Corporation stock and the Corporation shall whenever required by the holder of any security or charge aforesaid apply all such money do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied done exercised collected made and levied for his benefit and security if this part of this Act had not been enacted.

Forgery.

232.—(1) Corporation stock shall be deemed capital stock of a body corporate within the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty (chapter ninety-eight) "to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery."

(2) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

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Orders of Local Government Board.

233. Any order of the Local Government Board under this part of this Act may contain such directions as the Board think necessary or proper for giving effect thereto and shall be enforceable by writ of Mandamus to be obtained by the Board out of Her Majesty's High Court of Justice and may be from time to time cancelled or varied by the Board as the circumstances of the case may require but the Board shall not make any such order without first hearing the Corporation if desirous of being heard which hearing may be in the form of a public inquiry with or without a published report or in such other form as the Board having regard to the circumstances think just and expedient and sections 294 and 296 of the Public Health Act 1875 shall apply to hearings inquiries and other proceedings to which this section relates.

Bank of England may make regulations.

234. Where the Bank of England are the registrar they may with the sanction of the Corporation from time to time issue any forms that may be required for carrying into effect the provisions of this part of this Act and may also from time to time make any regulations that are not inconsistent with this part of this Act relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed:

(A) The period for which coupons are to be given;

(B) The mode in which the Bank are to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer;

(C) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer;

(D) With respect to anything necessary for carrying into effect the provisions of this part of this Act which relate to or affect the Bank.

Forms.

235. The forms given in the Fourth Schedule to this Act may if the Corporation think fit be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

236.—(1) Fees not exceeding those specified in the said schedule may be taken by or on behalf of the Corporation in the cases therein mentioned.

(2) The proceeds of fees shall be paid by the Corporation into the loans fund and shall be applied in reduction of contributions

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out of the Corporation revenues payable into the loans fund in respect of dividends on such portions of Corporation stock as the Corporation having regard to the cases in which the fees are paid determine.

Expenses.

237.—(1) The expenses incurred by the Corporation in or about the creation and issue of any portion of Corporation stock including any sum paid by them for composition for stamp duty thereon and any other expenses being in their judgment properly chargeable to capital shall be deemed money raisable under the statutory borrowing power in exercise whereof that portion of stock is issued.

(2) Expenses of book-keeping and management and other current expenses from time to time incurred by the Corporation in the execution of this part of this Act shall be defrayed as the ordinary expenses of the Corporation as a municipal body or as a sanitary authority are or may be defrayed.

Part XVII.—Miscellaneous Provisions as to Legal Proceedings Byelaws &c.

Appearance of Corporation in legal proceedings.

238. The Corporation may appear before any court or in any legal proceedings by the town clerk or by any deputy authorised by him in writing and the town clerk or deputy so authorised shall be at liberty on behalf of and as agent for the Corporation to institute carry on or defend any proceeding or matter which the Corporation or council is authorised to institute carry on or defend under any Act relating to the Corporation and to execute and do all matters and things necessary or expedient for any purpose mentioned in this section.

Form and service of notices by Corporation.

239. Any notice or demand made given delivered or served under this or any other Act or any byelaw by the Corporation or under this Act by the clerk to the justices may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the signature of the town clerk or other duly authorised officer of the Corporation being affixed thereto or stamped thereon and a copy thereof respectively so authenticated shall be receivable in evidence without the production of the original and it shall be sufficient in all cases where any such document is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served without further name or description

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and any such document may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned) and any such document may be served on any owner occupier or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the property is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property Any such document so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post and in proving such service it shall be sufficient to prove that such document was properly addressed and posted Provided always that in the case of a railway or other public company any such document shall be delivered or sent by post addressed to the secretary to the company at their principal office or place of business.

General provisions as to byelaws.

240. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 185 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority Provided that all byelaws may be partly in print and partly in writing (including lithograph).

As to appeal.

241. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate license 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 made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Corporation then only after such application) to the next practicable court of quarter sessions under and according to the provisions of section 269 of the Public Health Act 1875 as amended by the Summary Jurisdiction Act 1884.

Recovery of sums by action.

242. Whenever any person neglects to pay any toll rent rate or sum due to the Corporation the Corporation may recover the same

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with full costs of suit in any court of competent jurisdiction for the recovery of debts of the like amount and the remedy of the Corporation under this enactment shall be in addition to any other remedies for the recovery of such toll rent rate or sum.

Gas rents may be recovered before borough justices.

243. All moneys payable to the Corporation for or in relation to a supply of gas by the Corporation may be recovered summarily before the justices of the peace for the borough.

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

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

Compensation how to be determined.

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

Compensation may be in land &c.

246. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent.

Penalty.

247. Any person offending against any of the preceding provisions contained in this Act or any byelaw made under this Act shall except as otherwise provided forfeit and pay for every such offence a penalty not exceeding five pounds and in case of a continuing offence a daily penalty not exceeding forty shillings.

Several sums in one summons.

248. Any summons or warrant issued for any purpose of this Act may contain in the body thereof or in a schedule thereto several sums.

Penalties to be paid over to the treasurer.

249. All penalties recovered by the Corporation under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the borough fund or the district fund or to the police superannuation fund as the Corporation direct.

Saving for indictments &c.

250. 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.

Judges &c. not disqualified.

251. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or by reason of his being a member of the council.

Saving rights of Stockton and Middlesbrough Water Board.

252. Nothing in this Act contained shall extend or be construed to extend to take away impeach abridge restrain alter prejudice or affect any of the powers authorities rights privileges or advantages whatsoever of or belonging to the Stockton and Middlesbrough Water Board or any person or persons claiming under them but the same shall remain in as full force and effect as if this Act had not passed.

Expenses of Act.

253. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the funds and rates under the control of the Corporation or out of moneys borrowed on the security thereof under the powers of this Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Part I.—Limits of Borough.

The borough as extended shall include within its boundary as shown on the borough plan the following (that is to say) :—

The existing municipal borough ;

So much of the township of Stockton as is not already included within the borough ; and

So much of the township of Linthorpe as lies to the northward of the centre line of the new cut of the River Tees.

Part II.—Names and Limits of Wards.

Portrack Ward.

So much of the township of Linthorpe as lies north of the mid-channel of the River Tees and so much of the township of Stockton as lies east of a point in the mid-channel of the River Tees opposite the south-east corner of the jetty of the Clarence Branch of the North-eastern Railway and thence along the east side of such railway to the centre of Portrack Lane thence along the centre of such lane to the fence which forms the western boundary of the occupation road leading from Brown's works in Portrack Lane for one hundred and ninety yards in the direction of Canning Street and thence along another fence at right angles in an easterly direction to a point six yards south of Back Agnes Street and thence in a northerly direction to Lustrum Beck.

Tilery Ward.

So much of the township of Stockton as lies between the Portrack Ward on the east and south the Clarence Branch of the North-eastern Railway on the south-west and the centre of Norton Road on the west and so much of the township of Stockton as lies north of the Lustrum Beck and east of Norton Road.

Victoria Ward.

So much of the township of Stockton as lies to the west of the east side of the said Clarence Branch and east of the centre of Norton Road and High Street and north of and including Church Row thence along the centre of Portrack Lane and Mill Street East to the boundary of Portrack Ward.

SOUTH-EAST WARD.

So much of the township of Stockton as lies south of the Victoria Ward and east of the centre of High Street and Budge Road up to and including the mid-channel of the River Tees thence along the township boundary to the western boundary of the Portrack Ward and thence along such Portrack Ward boundary in a north-westerly direction until it joins the boundary of Victoria Ward before described.

NORTH-WEST WARD.

So much of the township of Stockton as lies west of the centre of Norton Road and north of the centre of Hume Street and Cardigan Street and thence in a westerly direction across the North-eastern Railway to the centre of Durham Road thence along the centre of such road to the township boundary and thence along such township boundary to Norton Road and thence southward along the township boundary to Norton Bridge.

CENTRAL WARD.

So much of the township of Stockton as lies west of the centre of Norton Road and High Street up to and including the centre of Saint John's Road and Wellington Street to the North-eastern Railway thence along the eastern side of such railway to a certain footpath leading to Lustrum House thence in a westerly direction along a fence to Lustrum Beck and further in a northern direction along such beck for a distance of one hundred and seventy yards or thereabouts to a fence running in a westerly direction thence along the centre of such fence for a distance of seventy yards to Bishopton Lane thence along the centre of Bishopton Lane and further along the centre of such lane in a westerly direction to the township boundary and thence along the township boundary up to the boundary of the North-west Ward.

EXCHANGE WARD.

So much of the township of Stockton as lies south of the boundary of the Central Ward and west of the centre of High Street opposite Yarm Lane thence along the centre of Yarm Lane to Skinner Street thence along the centre of Skinner Street to Mill Lane thence along the centre of such lane and thence along the footpath leading westwards from Mill Lane to Fairfield to the township boundary thence in a northerly direction along such township boundary up to the south-west corner of the Central Ward.

WEST END WARD.

So much of the township of Stockton as lies to the south and west of the Exchange Ward and north of the centres of Yarm Lane and Oxbridge Lane.

PARKFIELD WARD.

So much of the township of Stockton as lies west and north of the township boundary between the centres of Bridge Road on the north-east Yarm Lane on the north and Bowesfield Lane on the west thence along the centre of

A.D. 1889. Bowesfield Lane southward to Arlington Street and further along the centre of Arlington Street to Yarm Road and thence along the centre of Yarm Road southward to the township boundary.

South-west Ward.

The remainder of the township of Stockton.

THE SECOND SCHEDULE.

Borough of Stockton-on-Tees.

Certificate of Disease &c.

Stockton-on-Tees Extension and Improvement Act 1889.

To the Corporation of the Borough of Stockton-on-Tees.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of such Act.

Dated the day of 18 .

(Signed)

Name of person suffering from the disease - - -

Situation of the house building or room wherein such person is -

Name of occupier or other person having the charge management or control of such house building or room - - -

Nature of disease - -

Note.—This certificate must (under penalty of forty shillings in case of neglect) be forthwith sent to the medical officer of health of the Corporation at his residence or office.

THE THIRD SCHEDULE.

Private Street Works.

Part I.

Particulars to be stated in Specifications Plans and Sections Estimates and Provisional Apportionments.

Specifications.—These shall describe generally the works and things to be done and in the case of structural works shall specify as far as may be the foundation form material and dimensions thereof.

Plans and Sections.—These shall show the constructive character of the works and the connexions (if any) with existing streets sewers or other works and the lines and levels of the works subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners or reputed owners and shall also state whether the apportionment is made according to the frontage of the respective premises or not and the measurements of the frontages and the other considerations (if any) on which the apportionment is based.

Part II.

Any resolution notice or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the borough and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

THE FOURTH SCHEDULE.

Forms.

(A.)

Resolutions on Creation of Stock.

Borough of Stockton-on-Tees.

[188].

At a meeting of the council of the borough of Stockton-on-Tees holden on [the day of 188] at [o'clock in the noon] in the [council chamber within the] Town Hall [as a special council]

Present:

[A.B.] Mayor and an absolute majority of the council.

Resolved first—

That under the authority and subject to the provisions of the Stockton-on-Tees Extension and Improvement Act 1889 the Corporation acting by the council do hereby in exercise of their several statutory powers create stock to be called Stockton-on-Tees Corporation Redeemable Stock and to be issued

A.D. 1889.

to an amount which shall be sufficient for the following purposes but not exceeding [state the sum]:—

A. For raising the following sums (amounting in the aggregate to the sum of which has not been raised) (that is to say):—

(1) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the purchase money for [ ] and the cost of reconstruction of portions thereof:

(2) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the cost of construction of [ ]:

(3) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the construction of [ ]:

(4) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the purposes of [ ].

B. For raising instead of re-borrowing the sum of pounds required by the Corporation for the purpose of paying off when due sums amounting to pounds which will fall due before the [1st January 189] being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to re-borrow.

C. For raising the sum of pounds for repaying the amount temporarily borrowed by the Corporation from [the Bank of England] in order to enable the Corporation to meet sums which amount to pounds being a portion of their debt secured on outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to re-borrow.

D. For raising the sum of pounds for paying off or redeeming statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):—

E. For the purpose of issuing stock in substitution for statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):—

Resolved secondly—

That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner herein-after specified (that is to say):—

A. The minimum price of issue to be £ per cent. the first dividend to be payable on the [1st January 189].

B. Tenders for stock to be made to the [Bank of England] A deposit of [five per cent.] on the amount of stock tendered for to be paid at [the Bank of England] at the time of the delivery of the tender.

C. The dates for the further payments on account of the said tenders when accepted to be as follows:—On [Wednesday, the 20th day of October, 189 , so much of the amount tendered and accepted as when added to the deposit will leave £75 (sterling) to be paid for each £100 of stock On Friday, the 26th day of November, 189 , 25 per cent. On Tuesday, the 11th day of January, 189 , 25 per cent. On Tuesday, the 1st day of March, 189 , 25 per cent.] In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture.

D. Dividends at £ per cent. per annum payable [quarterly].

E. Dividends on the total amount of stock (calculated from the [1st of October, 189]), to be payable on the [1st January, 189].

F. Scrip certificates to bearer with coupons attached for the dividends payable [1st January, 189], and [1st April, 189], to be issued in exchange for the provisional receipts.

G. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution.

H. Stock to be issued in sums of not less than £10.

J. Stock to be transferable in books and not by deed.

Resolved thirdly—

That such stock shall be redeemable as follows: [State terms].

Resolved fourthly—

That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Customs and Inland Revenue Act 1887 for the stamp duty on transfers of stock issued under the foregoing resolutions.

A.D. 1889.

(B.)

STOCK RECEIPT.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK (£ PER CENT.)

Transfer days: Monday, Tuesday, Wednesday, Thursday, Friday. *Holidays excepted.*	RECEIVED this day of 189 of herein-after called the said transferee the sum of being the consideration for interest or share in the STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK (£ per cent.), transferable at the Bank of England and all my property and interest in and right to the same and the dividends thereon by this day transferred unto the said transferee Witness hand Witness	☞ The Proprietors to protect themselves from FRAUD are recommended to ACCEPT by themselves or their attorneys all TRANSFERS made to them. £ *s.* *d.*

[*Indorsement.*]

NOTICE TO HOLDERS OF STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK (£ per Cent.).

Payment of Dividends.

Dividends are due on the 1st *January* 1st *April* 1st *July* and 1st *October* unless the 1st of either of these months falls on a Sunday in which case the dividends will be payable on the following day.

Dividends will be paid in one of the following modes:—

I. To the stockholders personally or to their attorneys at the Bank of England.

N.B.—Stockholders may arrange for the receipt of their dividends free of charge at any of the *country* branches on application to the agent.

II. By transmission of dividend warrants by post at the risk of the stockholder under the following regulations:—

1. Any stockholder residing within the United Kingdom or in the Channel Islands or the Isle of Man who desires to have his dividend warrant sent to his address by post must fill up a form of application to be obtained at the Bank or at any of its branches.
2. In the case of joint accounts the application must be signed by all the members of the account directing the warrant to be sent to one of them at a given address.

3. Post dividend warrants will be crossed *& Co.* and will only be payable through a banker They will be drawn to the order of the stockholder and must be indorsed.

☞ Stockholders whose warrants are sent by post should give notice to the Bank if they are *not* received on the day on which they ought to be delivered but need not acknowledge those that arrive in due course.

Stock Certificates to Bearer.

Stock certificates to bearer of the denominations of [£10 *or any multiple of* £10] with coupons for the [quarterly] dividends attached may be obtained in exchange for inscribed stock except in the case of stock held upon any trust.

(C.)

CORPORATION STOCK CERTIFICATE.

BOROUGH OF STOCKTON-ON-TEES.

Number

This is to certify that A.B. of is the proprietor of pounds of Stockton-on-Tees Corporation Redeemable Stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the mayor aldermen and burgesses of the borough of Stockton-on-Tees this day of 18 .

(D.)

TRANSFER IN BOOKS.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK (£ PER CENT.).

No.

Entered by

this day of in the year of our Lord one thousand eight hundred and do assign and transfer

Witness to the identity of

interest or share in the STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK (£ PER CENT.) transferable at the Bank of England and all my property and interest in and right to the same and the dividends thereon unto

£	*s.*	*d.*

Executors administrators or assigns. Witness hand

Witness

do freely and voluntarily accept the above stock transferred to

Witness

A.D. 1889.

(E.)

APPLICATION FOR ISSUE OF POWER OF ATTORNEY.

BANK OF ENGLAND, the day of 189 .

From A.B. and C.D. [*the registered stockholders in the Bank books*].

£ STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK (£ per cent.).

To G.H. [*the intended Attorney.*]

Examined by | Dr. fol. Posted by | Cr. fol. Posted by | Transfer book.

(F.)

POWER OF ATTORNEY FOR SALE AND TRANSFER AND FOR RECEIPT OF DIVIDENDS.

Corporate Account.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

ACCEPTANCE, SALE OF £ AND DIVIDENDS.

We
our attorneys and attorney
for us and in our name and on our behalf—

First—to ACCEPT all transfers made or to be made to us of any sum of

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Secondly—to SELL and TRANSFER all or any part of the sum of

said stock standing in our name in the books of the Governor and Company of the Bank of England;

Thirdly—to RECEIVE and GIVE RECEIPTS for all DIVIDENDS or PAYMENTS due, or to become due, on any sum of the said stock from time to time standing in our name in the books of the Governor and Company of the Bank of England;

AND ALSO- to do whatever is necessary or proper to be done for the purposes aforesaid, or any of them.

In witness whereof we have hereunto affixed our corporate seal this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ A.D. 1889.

Sealed with the corporate seal and delivered in the presence of

N.B.—The execution of this letter must be attested by two witnesses who are not of the corporate body, and who must be present when the corporate seal is affixed.

For further instructions, see other side.

[*Indorsement.*]

INSTRUCTIONS FOR EXECUTING THE WITHIN LETTER OF ATTORNEY.

Corporate Account.

The *date* must be inserted in *words* and not in figures.

The execution must be attested by [*two credible witnesses* who are] not of the corporate body, and who must add [their addresses and their qualities, professions or occupations].

A *witness resident in a town* must give the No. of the house as well as the name of the street.

If *clerks or servants* are witnesses they must give the names and addresses of their employers.

When a witness is a *female* she must state whether she is a *spinster*, *wife*, or *widow*; and if a *wife* she must give her husband's name, address and quality, profession or occupation.

A *wife* is not a valid witness to the execution of this letter of attorney when her husband's name appears in the letter as attorney or transferee.

If any *alteration*, *interlineation or erasure* be made in this letter of attorney, it must be particularly stated in the attestation, subscribed to by the witnesses, that such alteration, interlineation or erasure was made previously to the execution of the letter.

I demand to act by this letter of attorney, this day of 189

Witness

(G.)

DEED OF TRANSFER.

BOROUGH OF STOCKTON-ON-TEES.

I A.B. of in consideration of the sum of pounds paid to be by C.D. of (herein-after called the said transferee) do hereby transfer to the said transferee the sum of pounds Stockton-ōn-Tees Corporation Redeemable Stock standing (or part of the stock standing) in my name in the books of the mayor aldermen and burgesses of the borough of Stockton-on-Tees to hold unto the said transferee his executors administrators and assigns (*or* successors and assigns) subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the day of

A.D. 1889.

(H.)

Dividend Warrant.

Stockton-on-Tees Corporation Redeemable Stock.
(£ per Cent.)

To the Cashiers of the Bank of England.

Pay to bearer the sum of
for one quarter of a year's dividend on the sum of £ Stockton-on-Tees Corporation Redeemable Stock (£ per cent.) due 189 . Less property tax at *d.* per £

I do hereby acknowledge to have received of the Bank of England the above-mentioned sum, in full payment for one quarter of a year's dividend, due as abovesaid.

Witness my hand this , 189

Witness,

(I.)

Dividend Warrant by Post.

(1.)

Stockton-on-Tees Corporation Redeemable Stock.
(£ per Cent.)

Request for Transmission of Dividend Warrants by Post.

To the Governor and Company of the Bank of England.

A sum of £ Stockton-on-Tees Corporation Redeemable Stock (£ per cent.) is now standing in name as follows :—

Amount.

"my" or "our."

Names, addresses, and descriptions as recorded in the Bank books.

"I" or "we."

"myself" or "our *nominee*."

"my" or "our."

As the person entitled to the dividends upon the above-mentioned amount of stock hereby authorise the Accountant General of the Bank of England, for the time being, in the name of to draw upon the Governor and Company of the Bank of England for the amount of the quarterly dividends due and to become due on the said amount of stock, or on the amount for the time being standing in name :

And the post, at hereby request the said Accountant General to send through risk and until further notice, the warrants so drawn to—

"I" or "we." "my" or "our."

Name _____

Present address _____

If the account is a sole one, insert here the name and address of the stockholder: if the account is a joint one, insert here the name and address of one of the stockholders, as *nominee*.

SIGN HERE.

In the case of joint stockholders, or of co-executors, all must sign.

_____

_____

_____

_____

Date _____ 189 .

[*On second half-sheet of same Form.*]

This half-sheet is to be retained by the stockholder. Reference to it will often save unnecessary correspondence.

NOTICE TO HOLDERS OF STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

(£ per Cent.)

Transmission of Dividend Warrants by Post.

Dividends upon the above-named stock may be transmitted through the post to the *stockholder* in sole accounts, and to *any one of the stockholders* in joint accounts, *at their risk*, upon a form of request being duly filled up and forwarded to the Accountant General BANK OF ENGLAND. (Forms are obtainable at the BANK OF ENGLAND and at any of its branches.)

N.B.—This arrangement does not apply to stockholders whose addresses are beyond the United Kingdom the Channel Islands and the Isle of Man.

Persons receiving dividends under letter of attorney cannot have the warrants for such dividends sent to them by post.

A separate form must be used for each separate holding of stock.

When forwarding a form of request, care should be taken to state the number of overdue dividends, if any.

Dividends are payable on 1*st January* 1*st April* 1*st July and* 1*st October.*

When the [1*st*] happens on a Sunday the dividends are not payable until the [2*nd*].

Forms of request may be delivered at the Bank at any date, either by hand or through the post; but when received between the day on which the balance for a dividend is struck and the day on which the dividend is payable, the warrants for such *next* dividend will be forwarded as soon as possible, but the Bank will not guarantee their being posted on the day before the dividend is payable.

For the dividend payable [1*st January*] the balance is struck on or about the [1*st December*].

For the dividend payable [1*st April*] the balance is struck on or about the [1*st March*].

A.D. 1889.

For the dividend payable [1*st July*] the balance is struck on or about the [1*st June*].

For the dividend payable [1*st October*] the balance is struck on or about the [1*st September*].

Warrants for overdue dividends will be forwarded as promptly as possible, but not necessarily by return of post.

Any change of address of the stockholder in sole accounts or of the nominee in joint accounts should be notified at once to the Accountant General. When any such notification reaches the Bank less than a fortnight before the next dividend is due there may be a delay of a few days in the delivery of the warrant for such next dividend.

In the absence of any notification to the contrary it will be taken for granted that dividend warrants have duly reached their destinations. When they are not received on the correct day notice should be given to the Accountant General without delay.

As postal dividend warrants are made payable to order they must be indorsed. They are crossed in blank and consequently are only payable on presentation by a banker. (The Bank will not undertake to cross postal dividend warrants with the names of particular bankers.)

Instructions to transmit warrants by post remain in force although the stock may have been added to or a part sold.

Stockholders selling stock by attorney if they wish to continue to receive their dividends through the post should instruct their bankers or brokers to obtain letters of attorney for sale only.

All communications with reference to postal dividend warrants should be addressed to the Accountant General Bank of England and the postage should be prepaid.

(2.)

POST DIVIDEND WARRANT.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

(£ per Cent.)

To the GOVERNOR and COMPANY of the BANK OF ENGLAND, LONDON.

Pay to me or my order on demand the sum of £

Being one quarter of a year's dividend at £ per cent. per annum, due on the 1st day of

189 , on the sum of £ { Stockton-on-Tees Corporation Redeemable Stock (£ per Cent.) }

Less property tax at per £

Accepted for the Governor and Company of the Bank of England.

Per pro

[F. MAY.]

Chief Cashier. *Accountant General.*

The person to whom this warrant is payable must sign his or her name on the back of it.

(K.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK CERTIFICATE TO BEARER.

Dividend at £ per cent. per annum.

£50 A00000

This is to certify that the bearer of this certificate is entitled to FIFTY POUNDS Stockton-on-Tees Corporation Redeemable Stock with dividend thereon at the rate of £ per cent. per annum transferable at the Bank of England pursuant to the Stockton-on-Tees Extension and Improvement Act, 1889.

Dated 189 .

For the Governor and Company
of the Bank of England,
[*F. MAY.*]

Countersigned
[*S. O. GRAY,*]
Chief Accountant,
Bank of England.

A00000 £50

The coupons attached to this certificate are payable at the chief establishment of the Bank of England, or at any of the country branches.

When the coupons are exhausted this certificate will be exchanged on presentation at the Chief Cashier's office, Bank of England, for a new certificate with fresh coupons attached.

[COUPONS.]

5 Div. STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months Dividend at £ Per Cent. per Annum.

A00000 Due [1*st January*, 1891]
on Certificate for FIFTY POUNDS STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

£0 0 0. *Payable at the Bank of England.*

5 Div.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Due [1*st Jan.* 1891].

A00000

£0 0 0.

4 Div. STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months Dividend at £ Per Cent. per Annum.

A 00000 Due [1*st October*, 1890]
on Certificate for FIFTY POUNDS STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

£0 0 0. *Payable at the Bank of England.*

4 Div.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Due [1*st Oct.* 1890].

A 00000

£0 0 0.

3 Div. STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months Dividend at £ Per Cent. per Annum.

A 00000 Due [1*st July*, 1890]
on Certificate for FIFTY POUNDS STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

£0 0 0. *Payable at the Bank of England.*

3 Div.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Due [1*st July* 1890].

A00000

£0 0 0.

2 Div. STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Coupon for Shillings and Pence,
(Less Income Tax)
being Three Months Dividend at £ Per Cent. per Annum

A 00000 Due [1*st April*, 1890]
on Certificate for FIFTY POUNDS STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

£0 0 0. *Payable at the Bank of England.*

2 Div.

STOCKTON-ON-TEES CORPORATION REDEEMABLE STOCK.

Due[1*st April* 1890].

A 00000

£0 0 0.

FEES.

	£	s.	d.
On original issue of stock receipt or stock certificate - -	0	2	6
On any new stock certificate - - - - -	0	2	6
On transfer including certificate - - - - -	0	5	0
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein - - - - -	0	0	6
On re-entry in Corporation stock register of stock specified in stock certificate to bearer - - - - - -	0	5	0

THE FIFTH SCHEDULE.

BOROUGH OF STOCKTON.

STATEMENT OF AND RELATING TO LOANS OF THE CORPORATION.

For what purpose borrowed.	Fund Rate or Revenue on which charged.	Authorised borrowing Powers.	Amount borrowed.	Unexercised Powers.	Amount extinguished by means of Sinking Fund.	Amount owing.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Gasworks - -	Gas - - -	143,500 0 0	126,133 4 2	17,366 15 10	43,948 15 7	82,184 8 7
Waterworks -	Water - -	814,485 6 0	541,219 18 4	273,265 7 8	10,850 0 0	537,441 18 4
Do. - -	For payment of interest under sec. 12 of the Act of 1888 on money borrowed for construction of works.	Indefinite.	7,072 0 0	Indefinite.	Nil.	7,072 0 0
Cattle market, &c.	Borough - -	17,600 0 0	17,350 0 0	250 0 0	4,900 0 0	12,450 0 0
Wharves, warehouses, &c.	Quay - -	120,000 0 0	63,777 0 0	56,223 0 0	2,620 0 0	61,157 0 0
Construction of bridge.	District - -	Indefinite.	54,258 0 0	Indefinite.	710 0 0	53,548 0 0
Stables, store yard, &c.	Do. - -	5,415 0 0	5,415 0 0	—	2,715 0 0	2,700 0 0
Burial ground -	Cemetery - -	9,570 13 3	9,500 0 0	70 13 3	4,212 13 9	5,287 6 3
Free library -	Free library - -	3,400 0 0	3,400 0 0	—	1,360 0 0	2,040 0 0

Printed by EYRE and SPOTTISWOODE,

FOR

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

And to be purchased, either directly or through any Bookseller, from
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