



CHAPTER lxxvii.

An Act to authorise the mayor aldermen and citizens of the city of Lincoln to acquire and extinguish the rights of the freemen of the city and others in or in respect of the commons in and adjoining the city and to make provision for the management thereof to provide and work trolley vehicles and motor omnibuses to make further provision with regard to the supply of gas and electricity and with regard to the health local government and improvement of the city and for other purposes.

A.D. 1915.

[29th July 1915.]

WHEREAS the city of Lincoln (in this Act called "the city") is under the government of the mayor aldermen and citizens of the city (in this Act called "the Corporation"):

And whereas the Corporation are lords of the manor of the city of Lincoln and lords of the manor of Canwick and as such claim to be seized of or otherwise entitled to the inheritance in fee simple of and in the soil and freehold of the South or Canwick Common and the West or Carholme Common in the city and the common known as the "Cow Paddle" partly within and partly outside the city:

And whereas the freemen of the city who are for the time being resident and inhabiting within the city the householders of the city for the time being resident and inhabiting within the city and certain other persons claim to have respectively rights of common over the South or Canwick Common the West or Carholme Common and the Cow Paddle or some or one of those commons:

And whereas it is expedient that all rights of common and other rights over the said commons should be extinguished as by this Act provided:

A.D. 1915.

And whereas parts of the West or Carholme Common have been used for the purposes of a racecourse for a period of more than one hundred years and by the Act 43 George III. cap. 120 the Corporation were empowered from time to time to erect a stand and any other buildings whatsoever upon the said common which they should judge convenient or proper for the purposes of the meeting for the public races held there :

And whereas it is expedient to authorise the Corporation to provide and work vehicles moved by electrical power transmitted thereto from some external source and motor omnibuses within and beyond the city and to confer upon the Corporation all necessary powers with regard thereto :

And whereas the Welton Rural District Council have consented to the running of such vehicles as are herein-before referred to on the route authorised by this Act in their district :

And whereas the Corporation are empowered to supply gas and electricity within the city and gas in certain places in the neighbourhood of the city and it is expedient to extend the limits within which the Corporation may supply gas and that the further provisions with regard to the supply of gas and electricity set forth in this Act should be enacted :

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

And whereas certain parts of the city are liable to flooding and it is expedient that the provisions with regard to the prevention of flooding and the carrying away of flood waters set forth in this Act should be enacted :

And whereas it is expedient to empower the Corporation to establish a fund for the granting of superannuation and other allowances to officers and servants of the Corporation and of the overseers of the parish of Lincoln :

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

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

And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows:— A.D. 1915.

| | | |
|---|---|--------|
| For the provision of the trolley vehicles authorised | £ | |
| by this Act - - - - - | | 10,200 |
| For the provision of the electrical equipment for the trolley vehicles authorised by this Act - | | 5,500 |
| For omnibuses - - - - - | | 10,800 |
| For the construction of buildings for the purposes of the trolley vehicles and omnibuses authorised by this Act - - - - - | | 2,300 |
| For the construction of buildings and the purchase of plant and machinery in connexion with the extension of the electrical generating station authorised by this Act - - - - - | | 43,000 |

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

And whereas plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of the parts of Lindsey and the clerk of the peace for the county of the parts of Kesteven and are in this Act respectively referred to as the deposited plans and book of reference:

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

PART I.
PRELIMINARY.

1. This Act may be cited as the Lincoln Corporation Act 1915. Short title.

A.D. 1915.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Commons.

Part III.—Lands.

Part IV.—Trolley Vehicles Omnibuses and Tramways.

Part V.—Gas Supply.

Part VI.—Electricity.

Part VII.—Fairs.

Part VIII.—Streets Buildings Sewers Drains &c.

Part IX.—Infectious Disease and Sanitary Matters.

Part X.—Common Lodging-houses and Houses let
in Lodgings.

Part XI.—Police Provisions.

Part XII.—Prevention of Flooding.

Part XIII.—Superannuation.

Part XIV.—Financial and Miscellaneous.

Incorporation of
Acts.

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

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

Interpretation.

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

“The Corporation” means the mayor aldermen and citizens of the city of Lincoln and county of the same city;

“The city” means the city of Lincoln and county of the same city;

“The council” means the council of the city;

“The mayor” “the town clerk” “the surveyor” “the treasurer” “the medical officer” and “the inspector of nuisances” mean respectively the mayor the town clerk the surveyor the treasurer the medical officer of health and any inspector of nuisances of the city and

respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the city;

“The commons” means the South or Canwick Common the West or Carholme Common and the common known as the Cow Paddle;

“Corporation tramways” means and includes all or any tramways or tramway for the time being belonging or leased to or worked or run over by the Corporation;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“Trolley vehicle routes” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

“Omnibus” means any stage carriage not being a trolley vehicle moved by mechanical power including in that expression steam electrical and every other motive power not being animal power;

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

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

“The tribunal” means the jury arbitrators umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred;

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

A.D. 1915.

or securities transferable by delivery or any securities of the Corporation ;

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

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

“The Act of 1908” means the Lincoln Corporation (Water &c.) Act 1908 ;

“The Order of 1897” means the Lincoln Electric Lighting Order 1897.

PART II.

COMMONS.

Extinction of rights over commons.

5. From and after the first day of January one thousand nine hundred and sixteen all rights of common and other rights and interests of the freemen of the city and the inhabitant householders of the city and of all other persons in and over the commons shall be and the same are by and subject to the provisions of this Act extinguished and thenceforth the Corporation shall (subject to the provisions of this Act) for ever hold and enjoy the commons for an estate of inheritance in fee simple in possession freed and discharged from all such rights of common and other rights and interests.

Consideration for extinction of common rights of freemen.

6.—(1) The Corporation shall pay compensation for the rights of common and other rights and interests of the freemen of the city in and over the commons so far as the same are extinguished or not provided for by this Act and such compensation shall be determined and be paid in manner provided by

sections 99 and 101 to 107 inclusive of the Lands Clauses Consolidation Act 1845 for the determination and payment of compensation for the commonable and other rights referred to in those sections Provided always that the amount of compensation so paid shall be held and applied in such manner for the benefit of the freemen resident and inhabiting within the city as the Charity Commissioners shall on the application of the committee appointed in pursuance of this section and the last-mentioned Act order and direct.

A.D. 1915.

(2) The Corporation shall and they are hereby required to convene a meeting of the freemen of the city to be held within six months after the passing of this Act.

7. The Corporation shall pay compensation for the rights of common and other rights and interests in and over the commons extinguished by this Act other than the rights of common and other rights and interests of the freemen of the city and the inhabitant householders of the city and such compensation shall be determined and paid and applied in manner provided by sections 99 and 101 to 107 inclusive of the Lands Clauses Consolidation Act 1845 for the determination payment and application of compensation for the commonable and other rights referred to in those sections Provided that no freeman or inhabitant householder of the city shall by virtue of his rights and interests as such freeman or householder be entitled to attend any meeting to be convened under the said sections of the Lands Clauses Consolidation Act 1845 or to participate in the compensation to be paid by the Corporation under this section Any person other than freemen of the city claiming to be entitled to compensation for any right of common or other right or interest in or over the commons shall send particulars of his claim and of his title to the right in respect of which his claim is made to the town clerk within six months after the passing of this Act and in the event of his failing to send such particulars within the said period any right which he might have to such compensation shall be extinguished.

Compensation for extinction of common rights other than of freemen and inhabitants.

8. The Corporation shall within one month after the final ascertainment of the compensation payable under the sections of this Act of which the marginal notes are "Consideration for extinction of common rights of freemen" and "Compensation for extinction of common rights other than of freemen and inhabitants" produce to the Commissioners of Inland Revenue

As to production of stamped copy of Act to Commissioners of Inland Revenue. Secs. 6, 7.

A.D. 1915. — a King's Printer's copy of this Act duly stamped in respect of the extinguishment of the rights of common and other rights and interests of the freemen of the city and the inhabitant householders of the city and of all other persons in and over the commons with the ad valorem duty payable upon an instrument of release upon the sale of such rights for the consideration payable by the Corporation as in this Act provided and in default of such production as aforesaid the duty with interest thereon at the rate of five per centum per annum shall be a debt to His Majesty from the Corporation.

Interest to be paid until payment of compensation if Corporation prohibited from borrowing. Secs. 6, 7.

9. Where compensation shall be payable under the sections of this Act the marginal notes whereof are "Consideration for extinction of common rights of freemen" and "Compensation for extinction of common rights other than of freemen and inhabitants" and the Corporation are unable to obtain the consent of the Treasury to the borrowing of the necessary money interest upon the amount of such compensation at the rate of four pounds per centum per annum shall be paid by the Corporation to the person or persons to whom the same shall respectively be payable from the first day of January one thousand nine hundred and sixteen until such amounts of compensation respectively are paid. The said interest shall be paid in half-yearly instalments on the first day of July and the first day of January in every year.

As to lands abutting upon West Common acquired by Corporation.

10. So soon as the Corporation shall have acquired the lands belonging to the Lincoln Race Committee Limited abutting upon the West Common in the city which the Corporation are authorised by this Act to purchase they may lease or use the same for the purpose of a racecourse and for the erection of stands stables and other buildings necessary or suitable for the holding of race meetings or may maintain such lands or any part thereof as part of the commons or for such other purpose as the Corporation may think fit and if they shall maintain such lands or any part thereof as part of the commons the provisions of this Act with regard to the maintenance of the commons shall so far as applicable apply to the said lands or such part thereof as the case may be.

Maintaining the commons as recreation grounds.

11.—(1) The commons shall subject as in this Act provided for ever be maintained by the Corporation as open spaces so as to secure to the citizens of Lincoln the full enjoyment of the same as places of public resort and recreation.

(2) (a) The Corporation may by resolution dedicate any part or parts of the commons for the purpose of making or widening carriageways and footways: A.D. 1915.

(b) The Corporation shall not sell or otherwise dispose of any part or parts of the commons or erect or permit the erection thereon of any building other than buildings necessary for or in connexion with the races or any of the purposes for which the commons are by this Act authorised to be used and shall not let or permit to be used as allotments any part or parts of the commons.

(3) Section 83 of the Lincoln City Commons Act 1870 is hereby repealed.

12. Any expenses incurred by the Corporation upon or in connexion with the commons shall be charged to and upon the borough fund and borough rate. Expenses in connexion with commons.

13.—(1) The Corporation may carry on races or may from time to time lease for such periods not exceeding twenty-one years as they may think fit the racecourse on the West Common and any stands stables or other buildings or enclosures used in connexion therewith at the date of the passing of this Act. As to racecourse.

(2) Nothing in this Act contained shall take away diminish or otherwise prejudicially affect the rights exercised or enjoyed by the Lincoln Race Committee Limited under the lease from the Corporation dated the fourteenth day of December one thousand nine hundred and seven.

14. The Corporation shall have the following powers in relation to the commons:— Power to lease or otherwise deal with parts of the commons.

(1) The Corporation may lease such part or parts of the commons as may be necessary for the purpose of erecting and maintaining enclosures stands and other buildings booths tents and stalls in connexion with the racecourse or the Corporation may themselves erect and maintain such enclosures stands buildings booths tents or stalls and may also erect and maintain common keepers' and caretakers' houses provided that any such lease and any lease of the racecourse under the section of this Act the marginal note of which is "As to racecourse" shall provide Sec. 13.

A.D. 1915.

as far as reasonably practicable for the use by the public of the racecourse and enclosures when not required for or in connexion with race meetings :

- (2) The Corporation may let any part of the commons not exceeding twenty acres for a period not exceeding six weeks in any year for the purposes of circuses and other public entertainments :
- (3) The Corporation may set apart or let for such periods not exceeding three months in any year as they may think fit any part of the commons not exceeding one hundred acres for the purpose of holding fairs agricultural horticultural and other shows and for such periods not exceeding one year as they may think fit for rifle ranges the playing of cricket football lawn tennis and other games and other like purposes and may make agreements as to the control and maintenance of the parts so set apart subject as herein-after mentioned :
- (4) The Corporation may lay out golf courses upon the commons and may pay such sum as they think proper to any person or persons who at the date of the passing of this Act has or have laid out a golf course thereon and the Corporation may make such charges as they think fit for the playing of golf upon such course or courses and may let any such course or courses for such periods not exceeding three years as the Corporation may think fit Provided that if the Corporation lay out such a course or make a payment in respect of any course already laid out the public shall be entitled (subject to such regulations as may be made by the Corporation) to use the course laid out or in respect of which the Corporation shall have made such payment on payment of such reasonable charges as the Corporation may prescribe :
- (5) In addition to the land for the time being forming the racecourse on the West Common the Corporation may set apart and let for the purposes of a racecourse any part of the commons not exceeding ten acres :
- (6) The Corporation may let the right of pasturing cattle sheep horses asses and mules upon the commons to

inhabitant householders in the city and (subject to the existing right of the Corporation to let or use the stocking with sheep of the commons and other rights of the Corporation over the commons or any of them) shall make all reasonable provision for the pasturing on the commons except between the thirty-first day of March and the fourteenth day of May in every year of cattle horses asses and mules by the said householders and every inhabitant householder shall be permitted without payment of any charge except the registration and branding fee herein-after mentioned to pasture one such animal on the commons and the Corporation may if they think fit upon payment to them of an annual charge not exceeding one pound per animal permit such householder to pasture any further number of such animals on the commons Provided that every animal pastured on the commons shall be the bonâ fide property of the householder in whose name the same is registered and the Corporation may require such householder to make and supply to them a statutory declaration to that effect before permitting such animal to be pastured on the commons No animal shall be pastured on the commons until the same shall have been registered and branded by the Corporation and the Corporation shall be entitled to demand and receive a fee of two shillings per annum for registering and branding each animal :

- (7) The Corporation or their lessees tenants or licencees may if they think fit prohibit cattle horses asses or mules from being upon any race track on the commons for periods not exceeding fourteen days before any race meeting :
- (8) The Corporation may subject to the provisions of this Act close to the public any part of the commons leased or let under the first second third and fifth subsections of this section during the period of the lease or letting Provided that with respect to any parts of the commons set apart or let for the purpose of playing games only such fences shall be erected as shall be reasonably necessary for the protection of such parts for the purposes for which they are so set apart or let :

A.D. 1915.

- (9) The Corporation or their lessees tenants or licencees may make charges for admission to any part of the commons so closed to the public as aforesaid other than the parts set apart or let for the playing of games.

Power to
make bye-
laws.

15. Subject to the provisions of this Act the Corporation may make revoke and alter byelaws for any of the following purposes relating to the commons (that is to say):—

- (1) For preventing fires and nuisances and for preserving order :
- (2) For preventing bird catching bird trapping and taking birds' eggs or nests and for preventing or regulating the killing taking injuring shooting chasing or disturbance of animals or birds and for preventing or regulating the setting of traps nets snares or other engines for any of those purposes :
- (3) For preventing persons other than persons entitled so to do under the provisions of this Act from turning out or permitting horses asses cattle sheep or other animals to graze or feed upon the commons and for removing therefrom any horses asses cattle sheep or other animals so turned out or permitted to graze or feed and to regulate the pasturing of sheep cattle horses asses and mules upon the commons :
- (4) For preventing or regulating the firing or discharge of firearms or the throwing or discharge of missiles :
- (5) For preventing the digging or taking of turf loam stone sand gravel or other substances :
- (6) For preventing the injuring cutting or felling of ferns gorse timber or other trees shrubs brushwood or other plants :
- (7) For preventing injury to or the defacement or removal of seats fences barriers or notice boards or other things put up by the Corporation or their lessees tenants or licencees and the disfigurement of seats fences barriers notice boards buildings or trees by posting or painting bills placards or notices thereon or otherwise :
- (8) For preventing or regulating the deposit upon any part of the commons of any rubbish manure or other substance :

- (9) For regulating the playing of games and preventing the racing of horses or other animals except by the lessees tenants and licencees of the Corporation: A.D. 1915.
- (10) For regulating the use of the parts of the commons upon which persons may play games hold athletic sports exercise or train horses and hold meetings and shows and for prohibiting the use for the purposes aforesaid of other parts of the commons:
- (11) For preventing or restraining any improper or offensive use of any part of the commons or anything tending to the injury or disfigurement thereof.

16. The Corporation may from time to time and for such periods as they may think fit not exceeding six days at any one time for the purpose of holding race meetings divert the part of Saxilby Road in the city where it is situate between the grand stand enclosure and any other enclosure erected or to be erected and the racecourse on the West Common and may close to the public the part of the road so situate and the Corporation may also for such periods and for such purpose close to the public the part of Long Leys Road which crosses the racecourse on the said common. Diversion and closing of roads during race meetings.

17. From and after the passing of this Act the Corporation shall be entitled to the custody of the original award made by the commissioners under the Act 43 George III. cap. 120 and dated the thirty-first day of August one thousand eight hundred and eleven. Custody of inclosure award.

PART III.

LANDS.

18. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands (other than the lands numbered 22 on the deposited plans) delineated on the said plans and described in the deposited book of reference as they may require for all or any of the purposes of this Act. Power to take lands.

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

20. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten Correction of errors in deposited plans and book of reference.

A.D. 1915.

days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the city for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of the parts of Lindsey and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

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

21.—(1) Whereas for the purpose of extending their electrical generating station or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after in this section included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the

Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs

A.D. 1915.

charges and expenses reasonably and properly incurred by him in consequence of such notice :

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

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

(3) The provisions of this section shall be stated in or endorsed upon every notice given thereunder to sell and convey any premises.

Costs of
arbitration
&c. in certain
cases.

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

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such

error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. A.D. 1915.

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

23. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands. Power to purchase additional lands by agreement.

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

25. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or (subject to the provisions of this Act) may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease Power to retain sell &c. lands.

A.D. 1915. exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

26. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on resale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

- (1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase:
- (2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

PART IV.

TROLLEY VEHICLES OMNIBUSES AND TRAMWAYS.

Power to use trolley vehicles.

27.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the trolley vehicle routes.

(2) The trolley vehicle routes are—

In the city—

Route No. 1 Commencing in Monks Road at the city boundary thence proceeding along Monks Road Silver Street Mint Street Newland The Avenue West Parade Hewson Road and Carholme Road to and terminating at a point in that road near to the grand stand on the racecourse ;

Route No. 2 Connecting with Route No. 1 and commencing at the junction of Newland and Beaumont Fee thence proceeding along Beaumont Fee and West Parade to and terminating by another connexion with Route No. 1 at the junction of West Parade with The Avenue; A.D. 1915.

Route No. 3 Connecting with Route No. 1 and commencing at the junction of Mint Street and High Street thence proceeding along High Street St. Mary's Street Norman Place Oxford Street Pelham Street Melville Street and Broadgate to and terminating by another connexion with Route No. 1 at the junction of Broadgate and Silver Street;

Route No. 7 Connecting with Route No. 1 and commencing at the junction of Silver Street and Clasketgate thence proceeding along Clasketgate Corporation Street and West Parade to another junction with Route No. 2 at the junction of Beaumont Fee and West Parade:

In the parish of Greetwell in the Welton Rural District in the county of the parts of Lindsey—

Route No. 8 Commencing at the junction of the proposed new road leading from Monks Road to Greetwell Road at the city boundary thence proceeding along the said proposed new road to and terminating at its junction with Greetwell Road.

28.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run the trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy outside the city for the purpose of working the trolley vehicles: As to electrical works.

A.D. 1915.

Provided that all posts and apparatus erected by the Corporation under the powers of this Act in any street or road shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve :

Provided also that no standard post or pole shall be erected and no stopping or starting place provided so as to interfere with or render less convenient the access to or exit from any station or depôt of the Great Northern Railway Company or so as in any way to restrict or interfere with the convenient use of the level crossings over the railway of the said company :

Provided also that nothing in this section contained shall apply to any street or road belonging to the Great Northern Railway Company nor shall the Corporation in carrying out such works unreasonably obstruct or interfere with the convenient access to any such street or road :

Provided also that no post or other apparatus shall be erected upon the carriageway of any public street or road except with the consent of the Board of Trade.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the former Act apply.

For protection of Great Northern Railway Company.

29. The following provisions for the protection of the Great Northern Railway Company (herein-after called "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect:—

The Corporation shall construct their electric lines and other works of all descriptions in connexion with Route No. 3 and shall work their trolley vehicles on the said route in all respects with due regard to the telegraphic lines and signalling apparatus of the company and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their trolley vehicles to prevent injurious affection whether by induction or otherwise to such telegraphic lines and apparatus Any difference which arises between the company and the Corporation as to compliance with this section shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

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

A.D. 1915.
Corporation to have exclusive right of using apparatus for working trolley vehicles.

31. The following provisions of the Tramways Act 1870 shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the footpaths or carriageways of the streets for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

Part II. (Relating to the construction of tramways) except sections 25 28 and 29;

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 52 (Transient offenders);

Section 53 (Penalty for bringing dangerous goods on the tramway);

Section 55 (Promoters or lessees to be responsible for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads):

Provided that nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any waggon cart or other carriage is to be kept.

A.D. 1915.

Attachment
of brackets
&c. to build-
ings for trol-
ley vehicles
and lighting.

32. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the trolley vehicles and for lighting any street in the city :

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building :
- (4) The Corporation shall not affix brackets wires or apparatus to any structure belonging to any railway company or any joint committee of railway companies without the previous consent in writing of such company or committee as the case may be or if such consent be unreasonably withheld the consent of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers :

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of

any other tenancy the person receiving the rack rent shall be deemed to be the owner. A.D. 1915.

33. The Corporation shall not exhibit or permit the exhibition of advertisements on any posts or standards of the Corporation erected in any street other than advertisements relating to the service of the tramways trolley vehicles or omnibuses or for the exhibition of which no consideration is paid. In case of any contravention of the provisions of this section the Corporation shall be liable to a penalty not exceeding five pounds. Posts are not to be used for advertisements

34. The following provisions of the *Lincoln Corporation (Tramways &c.) Act 1900* shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act. Provided that in the application of those provisions the same shall be read and have effect as if the said trolley vehicles were carriages used on the tramways of the Corporation:— Application of certain provisions relating to tramways of Act of 1900 to trolley vehicles.

- Section 18 (Rates for passengers);
- Section 19 (Passengers' luggage);
- Section 20 (Animals and goods) except the paragraphs headed "Animals" and "Goods";
- Section 21 (Corporation not bound to carry animals and goods);
- Section 22 (As to fares on Sundays or holidays);
- Section 24 (Periodical revision of rates and charges);
- Section 25 (Provisions as to motive power);
- Section 27 (Special provisions as to use of electric power);
- Section 28 (Mechanical power works to be subject to section 30 of *Tramways Act 1870*);
- Section 29 (Byelaws);
- Section 31 (Amendment of *Tramways Act 1870* as to byelaws by local authority);
- Section 32 (Orders &c. of Board of Trade);
- Section 37 (Power to attach conductors wires &c.).

35. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to trolley vehicles) use the trolley vehicles authorised by this Act for sanitary or road watering purposes and for the Use of trolley vehicles for carriage of road materials &c.

A.D. 1915. conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls rates and charges in respect of such use.

Duties on licences for trolley vehicles.

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

Vehicles not to be deemed light locomotives or motor cars.

37. The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

Approval of vehicles by Board of Trade.

38. The trolley vehicles authorised by this Act and the electrical equipment thereof shall be of such form construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no such vehicle (including the weight of its load) shall exceed a weight of five tons.

Inspection by Board of Trade.

39. The trolley vehicle system shall not be opened for public traffic until it has been inspected and certified to be fit for traffic by the Board of Trade.

Board of Trade may authorise trolley vehicles.

40.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Part of this Act herein-before referred to) they may make application to the Board of Trade and the Board of Trade shall be and they are hereby empowered (subject as regards any road outside the city to the consent of the local and road authority of the district) to make a Provisional Order authorising the use of trolley vehicles upon any road or roads to which such application relates and also empowering the Corporation to place erect and maintain in under and along such road cables wires posts poles and any other necessary or convenient apparatus or equipment

for the purpose of working the trolley vehicles and to supply electrical energy by means of such apparatus for that purpose and any such Provisional Order may vary or modify or render inapplicable provisions of the Town Police Clauses Acts 1847 and 1889 the Tramways Act 1870 the Locomotives on Highways Act 1896 the Locomotives Act 1898 and the Motor Car Act 1903 or any enactments incorporated therein or byelaws or regulations made thereunder respectively.

A.D. 1915.

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

(a) have published once in each of two successive weeks in the months of October or November in some newspaper or newspapers circulating in the city notice of their intention to make such application and have published once in one or other of the same months the like notice in the London Gazette ;

(b) have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the several streets or roads to which such application relates a notice of their intention to make such application ;

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

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

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

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill

A.D. 1915

to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

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

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

For protec-
tion of
Postmaster-
General.

41.—(a) Notwithstanding anything in the Lincoln Corporation (Tramways &c.) Act 1900 or in this Act contained if any of the works authorised to be executed by the said Act of 1900 or by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(b) In the event of the Corporation tramways or the trolley vehicles being worked by electricity the following provisions shall have effect:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of

their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3) Before any electric line is laid down or any act or work for working the Corporation tramways or the trolley vehicles by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being

A.D. 1915.
—

generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act: A.D. 1915.
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the Corporation tramways or on the trolley vehicle routes:
- (13) Section 33 of the Lincoln Corporation (Tramways &c.) Act 1900 is hereby repealed.

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

Use of trolley vehicle posts by Postmaster-General.

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle system:
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain

A.D. 1915.

Any difference as to any matter referred to in such notice shall be determined as herein-after provided:

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicle system or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (d) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided:
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near to the centre of any street or public road:
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;

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

(i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicle system or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

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

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their trolley vehicle system or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the

A.D. 1915. Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

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

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

Power to
provide and
run omni-
buses.

43.—(1) The Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the city and along trolley vehicle Route No. 8 by this Act authorised outside the city and (with the consent of the Board of Trade and the local and road authority of the district) along any other route outside the city and may erect omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(2) The Corporation may demand and take for the conveyance of passengers in any omnibuses run under the powers of this section the same fares and charges as they are for the time being authorised to demand and take for passengers travelling on the Corporation tramways and may also demand and take for the carriage of parcels not exceeding fifty-six pounds in weight the same rates and charges as they are for the time being authorised to demand and take for small packages of the same weight carried on the Corporation tramways.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their omnibuses Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The provisions of section 48 (Power to local authority to license drivers conductors &c.) of the Tramways Act 1870 shall apply to the omnibuses of the Corporation as if such omnibuses were carriages used on tramways. A.D. 1915.

(6) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with the telegraphic and signalling apparatus on the railways of any railway company or joint committee of railway companies.

(7) Nothing in this Act shall impose any obligation on any railway company or any joint committee of railway companies with respect to any of their bridges.

(8) For the purposes of this section the expression "road authority of the district" with reference to any road bridge or level crossing outside the city maintained or repaired by a railway company shall mean such railway company.

44. The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles or omnibuses by this Act authorised and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint. Payment of fares rates and charges.

45.—(1) The Corporation may enter into agreements with any person or persons company or companies with respect to the following purposes or any of them (that is to say):— Power to make agreements &c. for provision and working &c. of trolley vehicles and omnibuses and interchange of traffic.

(a) The provision electrical equipment maintenance management and repair of the trolley vehicles and omnibuses by this Act authorised:

(b) The use working and leasing of any such trolley vehicles and omnibuses and the conveyance of traffic thereon:

(c) The supply of electrical energy for working any such trolley vehicles:

(d) (Where such person or persons company or companies owns or works or own or work any tramways light railways or trolley vehicle systems which may be worked in connexion with the trolley vehicles of the Corporation) the interchange accommodation conveyance transmission and delivery of traffic arising from or destined for the respective undertakings of the contracting parties and the payment collection and apportionment of tolls fares rates and charges rent or other receipts arising from such respective undertakings:

A.D. 1915.

Provided that for the purpose of calculating the maximum fares rates and charges payable in respect of passengers and parcels conveyed partly on the trolley vehicles by this Act authorised and partly on the undertaking of the other party contracting with the Corporation such trolley vehicles and undertaking shall during the continuance of any such agreement or lease be deemed to be one system. Provided also that any agreement under subsection (b) of this section shall be subject to the approval of the Board of Trade :

Provided also that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term therein specified not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed :

Provided also that any electrical energy supplied under this section or any agreement made thereunder shall be so supplied and any works for the purpose of such supply shall be so constructed as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General but this proviso shall not apply to any person or company authorised to supply electrical energy by Act of Parliament or by an order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphic lines from such interference as aforesaid.

(2) The Corporation may as a term of any agreement or lease under this section guarantee to the other party to the agreement or lease such annual or other sum as the Corporation may think fit.

Shelters or
waiting
rooms.

46. The Corporation may erect and maintain within and with the consent of the local and road authorities beyond the city sheds, shelters or waiting rooms and gangways for the accommodation of passengers on the Corporation tramways and the trolley vehicle and omnibus routes by this Act authorised and may use for that purpose portions of the public streets or roads :

Provided always that the Corporation shall not erect or maintain any such sheds, shelters, waiting rooms or gangways so as to interfere with or render less convenient the access to or exit from any station or depôt belonging to any railway company or any joint committee of railway companies.

47. The Corporation may provide cloak rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connexion with their tramway trolley vehicle and omnibus undertakings and at any places on the routes of the Corporation tramways the trolley vehicle routes or the omnibus routes and the Corporation may make charges for the use of such cloak rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles or other vehicles therein :

A.D. 1915.
Cloak rooms
&c.

Provided always that the Corporation shall not erect or maintain any such cloak rooms or sheds so as to interfere with or render less convenient the access to or exit from any station or depôt belonging to any railway company or any joint committee of railway companies.

48.—(1) The Corporation may with the consent of the Board of Trade provide maintain work and use trailer carriages and coupled carriages on the Corporation tramways on such routes and at such times as the Board of Trade may approve and for such periods and on such terms and conditions as may be expressed in such approval and the Board of Trade may revoke any such approval or alter the terms and conditions of any such approval.

Power to
use trailer
and coupled
carriages.

(2) The trailer carriages and coupled carriages used by the Corporation under the provisions of this section shall be fitted with such brakes and safety appliances as the Board of Trade may approve and no trailer carriage or coupled carriage shall be used by the Corporation unless the design thereof has been approved by the Board of Trade.

(3) Except so far as the Board of Trade may otherwise allow the number of carriages or vehicles which may be used or run attached together shall not in any case exceed two.

49.—(1) Notwithstanding anything contained in any Act to the contrary the Corporation may on days on which racing takes place or on any other special occasion run and reserve cars on any of the Corporation tramways or trolley vehicle routes and omnibuses on any of the omnibus routes for any special purpose which the Corporation may consider necessary or desirable and the Corporation make make byelaws and regulations for prohibiting the use of any such cars or omnibuses by any persons other than those for whose conveyance the same are reserved.

Power to
reserve cars
for special
purposes.

A.D. 1915.
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(2) The provisions of the Tramways Act 1870 as to byelaws shall apply to any byelaws made under this section.

(3) The restrictions contained in this or any other Act of the Corporation as to rates or charges for passengers shall not extend to any special cars or omnibuses run upon the Corporation tramways or trolley vehicle or omnibus routes and in respect thereof the Corporation may demand and take such rates or charges as they shall think fit. Provided that the running of such cars shall in no way curtail the ordinary service of cars.

Penalty for
malicious
damage.

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

Lost pro-
perty.

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

Conveyance
of mails.

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

Cheap fares
for labouring
classes.

53. If at any time after the passing of this Act the Board of Trade so require the Corporation shall run on any route specified by the Board at least two trolley vehicles each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively on every weekday except

Saturdays and on Saturdays not being later than eight in the morning or earlier than half-past twelve in the afternoon as the Corporation think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Corporation nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Corporation for the running of such trolley vehicles the said Board shall have power to fix and regulate the same. A.D. 1915.

54. The trolley vehicle and omnibus undertaking authorised by this Part of this Act shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the income and expenditure upon and in connexion with trolley vehicles and omnibuses shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connexion with the remainder of such undertaking. Trolley vehicles and omnibuses to form part of tramway undertaking.

PART V.

GAS SUPPLY.

55.—(1) From and after the passing of this Act the limits of the Corporation for the supply of gas shall extend to and include in addition to their existing limits the parishes of North Hykeham and Waddington in the rural district of Branston in the county of the parts of Kesteven. Extension of limits of gas supply.

(2) The Corporation shall have and may exercise within their limits for the supply of gas as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within their limits for the supply of gas as existing immediately before the passing of this Act.

56. The Corporation may lay down place repair alter remove and renew mains pipes and culverts and other apparatus within their limits for the supply of gas for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Power to lay down pipes for ancillary purposes.

A.D. 1915. Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when so laid shall so far as applicable for the purposes of this section extend and apply mutatis mutandis to and for the purposes thereof.

Anti-fluctuators for gas engines.

57. Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping in proper repair such anti-fluctuator the Corporation may cease to supply gas to such consumer. The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

Period of error in defective gas meters.

58. In the event of any prepayment or other meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Power to refuse supply to persons in debt for other premises.

59. If a person requiring a supply of gas or electricity from the Corporation for any premises occupies or has occupied other premises at which gas or electricity is being or was supplied to him by the Corporation and has not paid all charges and meter rent due from him to the Corporation for gas or electricity they may refuse to furnish him with a supply of gas or electricity as the case may be until he pays the charges or meter rent due from him.

For protection of Great Northern and Great Eastern Railway

60. For the protection of the Great Northern Railway Company and the Great Eastern Railway Company and the joint committee of those companies (which companies and committee are in this section respectively referred to as "the

railway company”) the following provisions shall unless otherwise agreed between the Corporation and the railway company be observed and have effect (that is to say):—

A.D. 1915.

Companies
and joint
committee
of those
companies.

- (1) Whenever under the powers of this Part of this Act the Corporation shall require to construct lay down place repair alter remove or renew any mains pipes culverts or apparatus upon across under near to or so as to affect any railway for the time being belonging to or worked by the railway company or the stations bridges roads approaches or other works thereof they shall give to the engineer of the railway company twenty-eight days' notice in writing of their intention to carry out any such works :
- (2) Such works including the making good and repairing of any roads over any such railway and over any bridges and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation shall be constructed and executed with all reasonable despatch at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the said engineer and at such times as he shall direct and according to plans and sections to be previously submitted to and reasonably approved by him and so as not to interfere with the structure of any such bridge or to injure any such railway station approach or other work or to cause any interruption to the passage or conduct of the traffic over or at any such railway or station Any mains and pipes which shall cross any railway of the railway company other than by means of a bridge shall be carried under such railway in a pipe or culvert of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with such railway and the top of any such pipe or culvert shall in no case be nearer the bottom of the rails of the said railway than three feet :
- (3) When the Corporation open break up or interfere with any road or the pavement or other work thereof belonging to or repairable by the railway company they shall reinstate and make good such road pavement or work and shall keep the same in good repair

A.D. 1915.

for three months after reinstatement and for such further time if any as there may be any subsidence of such road or pavement :

- (4) If the Corporation make delay in completing any of such works as aforesaid including the reinstatement and making good of any road pavement or work or neglect to keep the same in repair as aforesaid the railway company may cause the work so delayed or omitted to be executed and the expense of executing the same shall be repaid to them by the Corporation :
- (5) The Corporation shall repay to the railway company the expense of any temporary works or watching which the railway company may reasonably consider necessary to provide for the protection of any such railway or the traffic thereon during the carrying out of the works aforesaid :
- (6) If at any time it is found necessary in order to enable the railway company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or culverts shall be altered or that such mains pipes or culverts shall be extended the Corporation shall on receiving reasonable notice from the railway company so to do at their own cost with all despatch alter the position of or extend the same so far as may be necessary to enable the railway company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts as altered or extended :
- (7) If the railway company give to the Corporation notice that they themselves desire to construct or carry out so much of the works herein-before mentioned or so much of the said alterations or extensions of such mains pipes or culverts as will affect any railway or work belonging to them the railway company may themselves execute such works alterations and extensions and recover the reasonable cost thereof from the Corporation Provided that the actual laying in the trenches and the jointing of any mains or pipes of the Corporation shall be executed by the Corporation if the Corporation's gasworks engineer so desires :

(8) If any injury shall owing to or by reason of any of the matters aforesaid arise to any such railway station bridge road approach or other work thereof or interruption to the traffic on the said railway or if by reason of any of the works of the Corporation extra expense shall be incurred by the railway company on account of the maintenance of any such railway station bridge road approach or other work the Corporation shall make full compensation in respect thereof to the railway company and in the event of any dispute as to the amount of such compensation the same shall be determined by arbitration in manner herein-after provided :

A.D. 1915.

(9) Any difference which may arise between the Corporation and the railway company under the provisions of this section shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

PART VI.

ELECTRICITY.

61. The Corporation may extend their generating station in the city and may erect construct maintain alter improve enlarge extend renew work and use upon the lands delineated on the deposited plans as "Land to be taken for generating station" and described in the deposited book of reference all such buildings engines works dynamos accumulators and other plant and machinery matters and things of whatever description as may be necessary or convenient to enable the Corporation to generate and supply electricity but the Corporation shall not create or permit any nuisance on such lands and shall not under the powers of this section erect any generating station except upon the said lands.

Extension of
generating
station.

62. The Corporation may erect in or on any street or public footpath which they are authorised to break up such posts as may be necessary for carrying any of their electric lines which they may be authorised to place overhead and with the consent of the owner lessee and occupier for the time being of any lands or premises may place any electric lines above ground on any such lands or premises.

Overhead
lines.

A.D. 1915.

For protec-
tion of
railway
companies.

63. The following provisions for the further protection of the Great Northern Railway Company and the Great Eastern Railway Company and the joint committee of those companies the Midland Railway Company and the Great Central Railway Company (each of which companies and committee are in this section respectively referred to as "the railway company") shall unless otherwise agreed between the Corporation and the railway company in writing under their respective common seals apply and have effect:—

(1)—(a) If having regard to the proposed position of any overhead lines of the Corporation when considered in relation to the position of any works of the railway company at any point where the wires of the railway company will be situate alongside of over or under any such overhead lines of the Corporation it is advisable that the electric telegraphic telephonic or signal wires or apparatus belonging to or maintainable by the railway company should be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation:

(b) Any difference as to whether it is advisable that any alteration should be made in accordance with this subsection or whether any work is reasonably necessary or as to the amount of the reasonable expense of executing any work shall unless otherwise agreed be referred to the Board of Trade for their determination or at the option of that Board to the arbitration of a person nominated by that Board:

(2) If at any time hereafter the railway company shall be desirous of extending widening or altering their railway or works or any navigation or canal belonging or leased to or worked by them the Corporation shall give the railway company all proper and reasonable facilities for that purpose and any additional cost which the railway company may be put to in such extension widening or alteration by reason of the existence on the property of the railway company of the overhead lines or posts of the Corporation by this Act authorised shall be from time to time repaid to the railway company by the Corporation.

64.—(1) The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not repairable by the inhabitants at large within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Act 1882 and of the Order of 1897 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes hereof.

A.D. 1915.
Power to lay
electric
mains in
private
streets.

(2) Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company or a joint committee of railway companies nor shall the Corporation in carrying out such works unreasonably obstruct or interfere with the convenient access to any such street.

65. The Corporation may in connexion with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

As to offices
showrooms
&c.

66.—(1) The Corporation may subject to the provisions of this section provide sell let for hire and connect repair and maintain (but shall not manufacture) lamps electric lines fuses switches lampholders motors and other electrical fittings for lighting heating motive or other purposes (herein-after called "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges terms and conditions as may be agreed upon.

Power of
Corporation
to provide
electrical
fittings.

(2) The Corporation shall not themselves connect repair or maintain fittings on private property other than motors or cooking or heating apparatus hired from the Corporation nor shall they execute the wiring of such private property or for any of such motors or cooking or heating apparatus on hire except between the main of the Corporation and the consumer's terminals but they may enter into contracts for the execution of any such work provided the contractor acts independently of the Corporation in the execution of the contract and no undue preference is given to any electrical contractor.

A.D. 1915.

(3) The Corporation shall not except as herein-after mentioned sell or provide any electrical fittings except through a contractor carrying on his business independently of the Corporation Provided nevertheless that the Corporation may enter into and carry into effect agreements with consumers for the purchase by such consumers from the Corporation of any such fittings after a bonâ fide hiring thereof of not less than three years.

(4) In any case where the Corporation effect a sale of any electrical fittings through an independent contractor they shall be entitled to charge and recover from such contractor a commission not exceeding twenty-five per centum of the gross profit actually received by such contractor in respect of such fittings provided notice of this provision shall have been previously given to such contractor by the Corporation.

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

(6) The powers conferred upon the Corporation by this section shall be restricted to the Corporation's area of supply for electricity and to their consumers or prospective consumers.

(7) The Corporation shall so adjust the charges to be made by them for any such fittings or for the connecting repairing and maintaining thereof as to meet in the aggregate any expenditure by them under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed).

(8) The sums properly chargeable and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year.

(9) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the connecting repairing or maintaining thereof shall be separately stated on every demand note delivered by the Corporation to the consumer,

67. The provisions of section 15 of the Electric Lighting Act 1909 shall extend and apply to the supply of electricity by the Corporation for power purposes to any premises having a separate supply of power whether such separate supply be by electricity gas steam or other source of power.

A.D. 1915.
Extending
section 15
of Electric
Lighting
Act 1909.

68. In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Period of
error in
defective
electricity
meters.

69. In addition to the provisions contained in any Act of Parliament or the Order of 1897 the Corporation may if they think fit instead of carrying the net surplus remaining in any year of the revenue received by them in respect of their undertaking and the annual proceeds of their reserve fund when amounting to the prescribed limit to the credit of the general district rate apply the whole or any portion thereof to any of the purposes of their undertaking including the formation of a fund for working capital:

Application
of revenue.

Provided that the fund so formed shall not at any time exceed a sum equivalent to one-half of the gross annual revenue of the undertaking for the time being.

70. Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding five pounds and such penalty shall be recoverable in manner provided by the Summary Jurisdiction Acts.

Entry upon
premises.
Penalty for
obstruction.

71. Where any premises which the Corporation are entitled to enter in pursuance of section 24 of the Electric Lighting Act 1882 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if

Further
powers as to
entry upon
premises.

A.D. 1915. he is unknown to the Corporation and cannot be ascertained after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

PART VII.

FAIRS.

Power to remove fairs.

72. The Corporation may from time to time as they may deem expedient remove maintain and regulate all or any of their cattle horse and other fairs into and in any building or buildings or on to and on any lands within the city acquired by them under the powers of this Act or which they may be authorised to appropriate and use for the purposes of their fairs and may from time to time alter the streets in which their horse fairs may be held and may regulate any streets which they may allocate to that purpose and may make construct extend build maintain furnish equip work and use all requisite and convenient stalls sheds yards stables sewers drains buildings works approaches and conveniences connected therewith and when and so soon as the Corporation shall have established and provided for public use a new place for carrying on any fair or in the case of the horse fairs when they shall have allocated streets to that purpose it shall be lawful for the Corporation to discontinue and close wholly or in part the use for fair purposes of the place at which (or in the case of the horse fairs the streets in which) the fair shall have been carried on before the provision of the new place and thereafter every person (other than pedlars and hawkers lawfully exercising their calling and duly licensed or certificated under any Act relating to such calling) selling horses sheep or other cattle or marketable commodities at the old place for holding the fair shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to utilise or sell fair site.

73. The Corporation may alter or remove any buildings the use of which for fair purposes shall have been discontinued in pursuance of this Act and may hold utilise appropriate for public purposes (including street improvements) sell let or otherwise dispose of the lands (or the buildings thereon) forming the site of any fair so discontinued.

Public notice of removal of fair.

74. The Corporation shall before they discontinue the use for the purposes of a fair of any place under this Act give at least twelve months' public notice of their intention so to do by

advertisement in one or more local newspapers circulating in the city and by placards conspicuously affixed outside the guildhall and to or near the fair so proposed to be discontinued and a statutory declaration by an officer of the Corporation to the effect that public notice has been given in accordance with this section shall be received as evidence of the facts thereby declared. A.D. 1915.

75. On the closing for the purposes of a fair of any place under this Act the rights of all existing lessees and tenants shall at the option of the Corporation cease and determine but in the case of any lessee of any premises within the limits of any fair for a term whereof any period is then unexpired the Corporation shall pay to him such reasonable compensation in respect of the determination of his lease as may be agreed or in default of agreement as may be determined by arbitration in manner provided by the Arbitration Act 1889. Rights of existing lessees and tenants.

PART VIII.

STREETS BUILDINGS SEWERS DRAINS &C.

76. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the city be deemed to be a new street. Continuation of existing streets to be deemed new streets.

77.—(1) The Corporation in any case in which it is proposed to lay out a new street may require that such street shall not be laid out without the provision of such intersecting street or streets as will secure intersecting streets at intervals of not more than one hundred and fifty yards each from the other on each side of such new street and of any street of which it forms a continuation Provided that if on either side of such last-mentioned street there shall already be a greater length from the proposed new street than one hundred and fifty yards without an intersecting street such greater length shall for the purposes of this section be deemed to be one hundred and fifty yards. Intersecting streets.

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

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

A.D. 1915.

Widening of
roads when
only one side
is built upon.

78.—(1) When a road footpath or way is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the city require such owner to widen such road footpath or way so as to give a width of not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

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

Forecourts
to be fenced
off from
streets.

79. Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street and any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Courts
to be flagged
and drained.

80.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Corporation flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gullies and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drain gullies and grids in good repair.

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

81.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers or to interfere with the construction or working of any tramways or trolley vehicles (including the equipment thereof) or with the clear and safe passage of the tramcars trolley vehicles or omnibuses of the Corporation and the passengers thereon the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

A.D. 1915.
Trees or shrubs overhanging streets and footpaths.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be contained in or endorsed on every notice served by the Corporation under this section.

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

Prevention and removal of projections over streets.

83. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected and which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Corporation approve and shall be built substantially in accordance with specifications plans and sections to be submitted to and approved by the Corporation and it shall not be lawful to erect any such bridge except in

Erection of bridges.

A.D. 1915. — accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove alter or pull down any work begun or done in contravention of this section and recover the expenses from such person summarily.

Width of new streets in certain cases.

84.—(1) Where in the opinion of the Corporation a new street not being a back street will form a continuation of or means of communication with a main thoroughfare in the city or a continuation of or means of communication with a main approach to the city the Corporation may if they think fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may think fit and the Corporation shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Lands Clauses Acts :

Provided always that the Corporation may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

(2) All moneys payable by the Corporation by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

(3) For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

Power to define future line of existing streets.

85.—(1) Where any street or road repairable by the inhabitants at large or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Corporation propose to prescribe and define shall be distinctly

marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Lands Clauses Acts.

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

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

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

A.D. 1915.

Development scheme may be required in connexion with new streets.

86. Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

No building allowed until street defined.

87.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and the level thereof.

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

Power to require taking down or repair of dilapidated buildings.

88.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order either to put such building (in this section referred to as a "neglected structure") into a state of repair and good condition to the satisfaction of the Corporation or to take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order. A.D. 1915.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

89.—(1) Before any person shall erect on any land within the city a retaining wall of greater height than six feet he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation. As to erection of retaining walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

90. The Corporation may make byelaws with respect to the following matters (viz.):— Byelaws as to materials and construction of buildings.

(1) The materials with which new buildings shall be constructed and the manner in which and the materials

A.D. 1915.

with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire resisting doors in connexion therewith and as to the occupation of buildings when united:

(3) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Corporation if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Corporation may approve:

(4) The testing of drains of new buildings.

Sanitary conveniences for workmen engaged on buildings.

91.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building or of any works in the city shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such construction reconstruction or alteration such water or other closets and urinals in or in connexion with such building or works as may be sufficient for the accommodation of the workmen employed.

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

Means of escape from buildings in case of fire.

92.—(1) (a) Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school; and

(b) Every new building exceeding thirty-five feet in height used or intended to be used as a shop in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop;

shall be provided on the storeys the upper surface of the floor whereof is above twenty-two feet from the street level with such means of escape in the case of fire for the persons dwelling employed or sleeping therein or resorting thereto as may be reasonably required by the Corporation under the circumstances

of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto. A.D. 1915.

(2)—(a) From and after the first day of January one thousand nine hundred and sixteen the Corporation in the case of every existing building exceeding thirty-five feet in height and used or intended to be used as a shop and in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop may if in the opinion of the Corporation such building is not provided with proper and sufficient means of escape therefrom in case of fire for the persons dwelling or sleeping therein at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

(3) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(4) For the purposes of this section the height of any building shall be measured from the street level to the highest part of the wall where the same terminates at the eaves or at the parapet of the roof.

(5) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

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

A.D. 1915.

Byelaws as
to staircases
in new
buildings.

93. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for securing the adequate lighting of staircases in new buildings in order to prevent danger to persons using such staircases.

Erection of
buildings to
greater
height than
adjoining
buildings.

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

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

Area of
habitable
rooms.

95. Section 23 (Extension of 38 & 39 Vict. cap. 55. s. 157) of the Public Health Acts Amendment Act 1890 in its application to the city shall have effect as if the words “and floor area” had been inserted therein after the word “height” in subsection (1) of that section.

Larders to be
provided.

96.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2)—(a) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall

have power to make such order as the court may think fit and to award costs. A.D. 1915.

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

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

Separate
sewers for
surface
water and
sewage.

(2) Where under the provisions of any Acts for the time being in force in the city the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface water sewers.

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

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

(c) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own

A.D. 1915. — expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

Corporation may require enlarged sewer.

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

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

99. If the owner or occupier of any premises within the city desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication may in the discretion of the Corporation be made by the Corporation who may execute all works necessary for the purpose and the cost or estimated cost of making the communication and executing such works shall be secured to the Corporation to their satisfaction.

Notice of intention to repair drains.

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

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

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

As to repair of private drains.

101. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost of not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners

thereof in such proportions as the surveyor shall determine
Provided that where such expenses do not exceed twenty
shillings the Corporation may remit the payment of the same
by the owner or owners if they think fit.

A.D. 1915.

102.—(1) The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or subject to the provisions of section 37 (Water or stack pipes not to be used as ventilating shafts) of the Public Health Acts Amendment Act 1907 by such other method as the Corporation shall direct.

Soil pipes to be ventilated.

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

103. The powers given by section 19 (Extension of 38 & 39 Vict. cap. 55. s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Provisions as to combined drainage for two or more houses.

104.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so desire or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

Corporation may order houses to be drained by a combined drain.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

A.D. 1915.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

Discharge
and trapping
of pipes
from slop-
stones baths
and basins.

105.—(1) Every pipe from any slop-stone bath or basin in a building shall be properly trapped within such building and shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gully grating at a suitable distance and every gully grating or other inlet to the drains also shall be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Corporation.

Improper
construction
or repair of
watercloset
or drain.

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

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

Regulation
bins for
refuse &c.

107. The Corporation may by notice in writing require the owner or occupier of any house office warehouse shop stall or workshop to provide portable galvanised iron refuse bins and

such bins shall be of such number size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings:

A.D. 1915.

Provided that this section shall not apply in respect of any premises where ashpits ash tubs or other receptacles for refuse are in use at the passing of this Act so long as the same are of suitable number material size and construction and in proper order and condition.

108. Any river stream or watercourse or any part or parts thereof respectively so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

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

109.—(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as herein-after provided require such owner so to construct and maintain any such culvert or so to cover over and maintain any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse:

Watercourse not to be covered in except in accordance with approved plan.

Provided that—

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

(b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to

A.D. 1915.

permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

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

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

Provisions as to houses without water supply.

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

Penalty on occupiers refusing execution of Act.

111. If any occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Part and Part IX. of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Sanitary conveniences for manufactories &c.

112. Section 22 (Sanitary conveniences for manufactories &c.) of the Public Health Acts Amendment Act 1890 shall be extended so as to confer upon the medical officer and the inspector of nuisances respectively the same power as is conferred upon the surveyor by subsection (2) of that section.

113. Nothing in this Part of this Act shall apply to any building (not used as a dwelling-house) railway navigation dyke or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company or any joint committee of railway companies in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company or committee and used for the purposes (other than for a dwelling-house) of the undertaking of such company or committee with the authority of Parliament.

A.D. 1915.
Saving for
railway com-
panies.

PART IX.

INFECTIOUS DISEASE AND SANITARY MATTERS.

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

Information
to be
furnished
to medical
officer and
penalty for
furnishing
false infor-
mation.

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

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

115.—(1) Any person being a manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity who—

For regula-
ting manu-
facture and
sale of ice-
cream &c.

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

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

A.D. 1915.

protection of such commodity from infection or contamination; or

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

shall be liable to a penalty not exceeding forty shillings.

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

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

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

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

Power to close Sunday schools to prevent spread of disease.

116.—(1) If the Corporation or a committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the city require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such

requirement shall for every such failure be liable to a penalty not exceeding twenty shillings. A.D. 1915.

117.—(1) No person being the parent or having the care or charge of a child who is or has been attending any school or any part thereof which has been closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease shall permit such child to attend any Sunday school or place of public entertainment or assembly in the city without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

To prevent spread of infectious disease amongst children in Sunday schools &c.

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

118. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping cough and chicken pox.

Extended meaning of "infectious disease" for certain purposes.

119. Where any article of food (whether solid or liquid) has been deposited in the abattoirs or cold stores of the Corporation it shall be deemed to have been deposited for purposes of sale or of preparation for sale for the food of man and the provisions of section 117 of the Public Health Act 1875 shall if such article be diseased apply accordingly.

As to unsound food deposited in Corporation abattoirs or cold stores.

120.—(1) From and after the passing of this Act any person who within the city in the manufacture storage or preparation for sale of sausages pressed or pickled meat or other similar commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to contamination of sausages and other foods.

(2) No person shall be convicted of an offence under this section unless before the commission of the offence with which he is charged he shall have had written notice that acts such as the one complained of are offences against this section.

A.D. 1915.

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Houses in-
fested with
vermin to be
cleansed.

121.—(1) If the medical officer or the inspector of nuisances has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer or inspector of nuisances it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wallpaper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as herein-after provided) be recoverable summarily as a civil debt from the person making the default.

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

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

(6) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation

or any boat lying in any river canal or other water within the city and used for the like purpose. A.D. 1915.

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

(2) Any consent of the Corporation to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Corporation may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The expression "offensive trade" in this section means any trade which is for the time being an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907.

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

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

A.D. 1915.

PART X.

COMMON LODGING-HOUSES AND HOUSES LET IN LODGINGS.

Medical examination of inmates of common lodging-houses &c. when infectious disease prevails.

124. Whenever the medical officer shall report in writing to the Corporation or to a committee of the Corporation authorised for this purpose by the Corporation that there is a prevalence of dangerous infectious disease in the city or in any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the city by persons resorting to common lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers herein-after mentioned and subject as herein-after provided the following provisions shall thereupon be in force within the city for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation or of such committee as aforesaid may exist or has recently existed in any common lodging-house in the city medically examine any person found in any common lodging-house in the city with a view to ascertaining whether such person is suffering or has recently suffered from such disease. Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:
- (2) A copy of every such resolution shall forthwith be sent by the Corporation or such committee as aforesaid to every keeper of a registered common lodging-house in the city and to the Local Government Board:
- (3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:

- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination herein-before conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant. A.D. 1915.

125. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):— Byelaws as to lodging-houses.

- (1) For requiring a placard to be fixed in each room so let or occupied setting forth the cubical content and accommodation thereof:
- (2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

PART XI.

POLICE PROVISIONS.

126. The Corporation may erect or fix fire alarms in such positions in any street road or public place within the city as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 : Fire alarms.

Provided that no fire alarms shall be erected or fixed in any street road or public place so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company.

127. It shall not be lawful in any street in the city to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit Any person who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Any person aggrieved under this section by the refusal of the Corporation to give such Restrictions on advertising vehicles.

A.D. 1915. consent or by the terms or conditions attached to such consent
— may appeal to a court of summary jurisdiction within three
clear days after the decision of the Corporation is notified to
him in writing under the hand of the town clerk provided he
give twenty-four hours' notice of such appeal and the grounds
thereof to the town clerk and the court shall have power to
make such order as they think fit.

Byelaws
as to
bicycles &c.
on commons.

128. The Corporation may make byelaws prohibiting or
restricting the use by persons riding bicycles tricycles or other
similar vehicles of any footpaths in the city specified and
defined in such byelaws.

Further
powers as to
making bye-
laws for
regulating
motor
hackney
carriages.

129. The Corporation may from time to time in addition
to the byelaws which they may make under section 68 (Com-
missioners may make byelaws for regulating hackney carriages)
of the Town Police Clauses Act 1847 make byelaws for fixing
the rates or fares to be paid for motor or other hackney carriages
within the prescribed distance under the said Act by a combina-
tion of time and distance and for securing the due publication
of such rates or fares.

Inspection
and certifi-
cation of
taximeter.

130. The Corporation may require any taximeter or other
similar apparatus used or intended to be used on any hackney
carriage plying for hire within the city to be tested and inspected
and they may also require any taximeter or other similar apparatus
to be re-tested and re-inspected at such reasonable intervals of
time as the Corporation may prescribe and no such taximeter or
other similar apparatus shall be used or continued in use unless
the same be certified to register correctly Any person using a
taximeter or other similar apparatus which is not so certified
or failing to submit the same for testing and inspection at such
reasonable intervals of time as aforesaid shall be liable upon
conviction to a penalty not exceeding forty shillings.

PART XII.

PREVENTION OF FLOODING.

For preven-
tion of
flooding.

131. Where it is certified to the Corporation by the surveyor
that it is necessary to execute any work for preventing the flooding
of lands abutting upon or near to any stream river or watercourse
in the city the Corporation may enter into agreements with the
owners of such lands subject to the consent of the Lincoln Court
of Sewers or any other drainage authority having jurisdiction

within the city (where such consent is necessary) with regard to the execution by the owner or the Corporation of such work upon the said lands or any of them and may also either pay or contribute towards the cost of such work and the execution thereof and may charge such payment or contribution towards such cost upon the district fund and general district rate: A.D. 1915.

Provided that no works shall be executed under the powers of this section on the land of any owner other than such works as such owner shall be lawfully entitled to execute on such land.

132.—(1) The Corporation may whenever in their opinion it is necessary or expedient so to do in order to prevent flooding in the city or to carry away flood waters from lands or streets in the city pump such flood waters from such lands or streets into any river watercourse or drain in or adjacent to the city other than the Main Drain and any drain discharging into the Main Drain under the jurisdiction of the West Drainage Trustees (South District): As to pumping of flood waters.

Provided that the powers of this section shall not be exercised so as to damage or prejudicially affect any railway navigation or work owned by or leased to or under the control of a railway company or a joint committee of any railway companies.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for any damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

133. Nothing in this Part or in Part VIII. of this Act shall prejudice or affect the provisions of two agreements dated respectively the seventeenth day of January one thousand nine hundred and five and the sixth day of June one thousand nine hundred and twelve and made between Colonel Charles Arthur Swan of the one part and the Corporation of the other part For protection of Colonel Charles Arthur Swan. Provided that the method of development of the estate of the said Colonel Charles Arthur Swan as shown on the plan attached to the agreement of the sixth day of June one thousand nine hundred and twelve shall be binding (in the absence of agreement to the contrary) upon the said Colonel Charles Arthur Swan his heirs and assigns and upon the Corporation and their successors.

A.D. 1915.

PART XIII.

SUPERANNUATION.

Definitions
in this Part
of Act.

134. In this Part of this Act and subject to the provisions thereof—

“Appointed day” means the day appointed by the Corporation for this Part of this Act to come into operation ;

“Officer” or “servant” means an officer or servant who at the appointed day is or thereafter shall be in the permanent and exclusive service of the Corporation (including any assistant overseer rate collector and other person employed for or in connexion with the work of the overseers of the parish of Lincoln) and who in each case is designated an officer or servant in an established capacity for the purposes of this Part of this Act by a resolution of the Corporation passed or to be passed and whether in receipt of salary or wages but not an officer or servant who shall be entitled to superannuation under the Police Act 1890 or any Act or Acts amending extending or replacing the provisions of that Act ;

“Service” means service by an officer or servant as such officer or servant after the date when he shall have attained the age of twenty years and subsequently to the appointed day or to the date of his designation as aforesaid whichever in the particular case shall be the later ;

“Prior service” means service whether with the Corporation or with any authority or body to whom the Vestries Acts 1818 to 1853 the Public Health Acts the Public Libraries Acts 1892 and 1893 the Baths and Wash-houses Acts 1846 to 1899 the Local Government Act 1888 the Local Government Act 1894 the Union Assessment Committee Acts the Municipal Corporations Act 1882 the Poor Law Officers Superannuation Act 1896 the Education Acts 1870 to 1902 the Technical Instruction Acts or one or more of such Acts applied or applies by an officer or servant after he shall have attained the age of twenty years and prior to the appointed day or the date of his designa-

tion as aforesaid whichever in the particular case shall be the later for such period or periods not exceeding in the whole ten years as the Corporation in any particular case may fix by resolution having regard to the report of the actuary herein-after referred to;

A.D. 1915.

“Fund” or “superannuation fund” means the superannuation fund established by the Corporation under the provisions of this Part of this Act.

135.—(1) Subject to the provisions of this Part of this Act every officer or servant who shall be a contributor to the superannuation fund and shall have completed ten years’ service or in the case of an officer or servant at the appointed day shall have completed ten years of service and of prior service with the Corporation and who shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body (other than permanent incapacity due to an injury in respect of which he receives compensation under the Workmen’s Compensation Act 1906) or of old age or shall have attained the age of sixty years and have completed a period of service or of service and prior service of forty years or shall have attained the full age of sixty-five years shall be entitled on resigning or otherwise ceasing to hold his office or employment to receive during life out of the superannuation fund a superannuation allowance according to the scale laid down in this Part of this Act.

Title of officers and servants to superannuation allowances.

(2) An officer or servant shall not be entitled to an allowance on the ground of old age unless he has completed the full age of sixty years.

(3) Where an officer or servant has attained the age of sixty-five years he shall cease to hold his office or employment and shall upon so ceasing to hold his office or employment receive the superannuation allowance to which he may be entitled under this Act Provided that the Corporation may by resolution and with the concurrence of such officer or servant extend his period of service for one year and so from time to time as they may deem expedient.

136. No period of prior service shall be reckoned as such—

(a) In the case of any officer or servant who is unable to show to the satisfaction of the Corporation within a period of three months from the appointed

Cases in which prior service not to be reckoned.

A.D. 1915.

day or the date of his designation (whichever shall be the later) that he has been in the permanent and exclusive employment of any body or authority service with whom may be included in the period of prior service; or

(b) In the case of any officer or servant who within three months from the appointed day or the date of his designation (whichever shall be the later) shall notify in writing to the Corporation his desire that service during the period of prior service shall not be reckoned.

Officers and servants to contribute.

137.—(1) Subject to the provisions of this Part of this Act—

Every officer or servant shall as from the appointed day or the date of his designation as aforesaid (whichever shall be the later) contribute annually to the superannuation fund a percentage amount of his salary or wages (save as hereinafter provided with respect to teachers) according to the following scale:—

In the case of an officer or servant under the age of twenty-five years not exceeding four per centum per annum on his salary or wages;

In the case of an officer or servant who has reached the age of twenty-five years but who is under thirty years of age not exceeding four and a half per centum per annum on his salary or wages;

In the case of an officer or servant who is thirty years of age or more five per centum per annum on his salary or wages;

Together with in the case of an officer or servant having prior service a further contribution at the rate of two shillings per centum on his salary or wages for each year of his period of such prior service.

(2) For the purposes of the foregoing provisions of this section the age of an officer or servant shall be his age at the date at which he first becomes a contributor to the superannuation fund.

(3) The amount of any such percentage as is herein-before mentioned in this section shall be from time to time deducted from the salary or wages payable to any such officer or servant.

138. The scale for superannuation allowances shall be as follows (that is to say):—

A.D. 1915.

Scale of
super-
annuation
allowances.

Such an annual allowance as shall be equal to one-sixtieth of the average annual amount of the salary or wages of the officer or servant entitled thereto during the five years ending on the day which immediately precedes the day on which he ceases to hold his office or employment multiplied by the number of complete years comprised in the service and the prior service of such officer or servant :

Provided that in no case shall any such allowance exceed forty-sixtieths of the said average annual amount of the salary or wages :

Provided also that where an officer or servant is unable by reason of physical or mental infirmity to perform the duties for which he was appointed but is employed at a reduced salary or wages he may if the Corporation allow contribute to the superannuation fund on the basis of the higher salary or wages and be entitled to the superannuation allowance on such higher salary or wages.

139. Any officer or servant who at the appointed day or on the date of his designation as aforesaid (whichever shall be the later) shall have reached the age of fifty-five years shall if he be or become a contributor to the fund be entitled to the superannuation allowance to which his contributions would entitle him in accordance with the scale laid down in this Part of this Act but such superannuation allowance shall in lieu of being paid out of the superannuation fund be paid out of and be chargeable upon the fund or rate out of which the salary of such officer shall have been paid previously to the date when he shall become entitled to such allowance.

Officers over
certain age
not to be
chargeable
to fund.

140. Where a person in receipt of a superannuation allowance under this Part of this Act is appointed to any office or employment by the Corporation or by any authority where his salary or wages shall be paid directly or indirectly out of any rate or rates or out of any public moneys such allowance shall cease to be paid so long as he continues to hold such office or employment if the salary or wages thereof are equal to or in excess of the amount of such allowance and if less then only so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency.

Case of
subsequent
appointment.

A.D. 1915.

Any such person on ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original superannuation allowance.

Return of contributions and power to grant gratuities.

141. An officer or servant who has not become entitled to a superannuation allowance and who by reason of a reduction of staff or abolition or alteration of office or employment resigns or loses his office or who ceases to hold his office or employment by reason of ill-health or bodily injury not occasioned by his own default or who being a female discontinues her service on marriage at any period of her service or employment or who after having contributed in respect of at least ten years' service to the superannuation fund voluntarily resigns his office or appointment otherwise than to avoid dismissal shall be entitled to receive out of the superannuation fund a sum equal to the amount of all his contributions to such fund together with compound interest thereon at the rate of three pounds per centum per annum but if he subsequently be again appointed to be an officer or servant his service previous to his ceasing to hold office or employment as aforesaid shall not be reckoned as or be service for the purposes or within the meaning of this Part of this Act unless upon his fresh appointment he pays to the fund the amount so received.

Return in case of death.

142.—(1) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under the provisions of this Part of this Act the Corporation shall pay to his legal personal representatives out of the superannuation fund a sum equal to the whole of the contributions with compound interest thereon at the rate of three pounds per centum per annum made by such officer or servant to the superannuation fund under this Part of this Act.

(2) In the event of the death of an officer or servant after he has become entitled to superannuation allowance and before he shall have received the allowance to which he would have been entitled for the first year after he has so become entitled his legal personal representatives shall be entitled to the superannuation allowance for such year or the balance thereof after deducting any payments which may have been made to the officer or servant so dying.

Superannuation fund.

143.—(1) The Corporation shall establish and administer a superannuation fund to which shall be carried and credited—

(a) A sum hereinafter called "the primary annual contribution" to be raised annually in or by the borough

fund and other the several revenues of the Corporation and (in the case of officers or servants employed for or in connexion with the work of the overseers of the parish of Lincoln) the poor rate of such parish and to bear such a proportion to the total salaries of the officers and servants contributing to the fund as herein-after provided and such sum shall be paid out of the borough fund and other such revenues and poor rate proportionately to the amount of salaries of the contributors chargeable thereto respectively; A.D. 1915.

- (b) All percentage amounts of salary or wages deducted and other the sums contributed by the officers and servants as in this Part of this Act provided;
- (c) All dividends or interest arising out of the investment of the superannuation fund or any part thereof; and
- (d) Such amount out of the borough fund and other the several revenues of the Corporation and poor rate in proportion to the amount of the salaries of the contributors chargeable thereto as may be required to meet any deficiency of the superannuation fund.

(2) The overseers of the parish of Lincoln are hereby authorised to pay to the Corporation out of and to charge to the poor rate for that parish such sums of money as shall from time to time be necessary under the provisions of this section.

(3) The following shall be charged upon the superannuation fund (namely) :—

- (a) Superannuation allowances made in pursuance of this Act;
- (b) Contributions or parts of contributions returned or paid in pursuance of this Part of this Act.

144. The following provisions shall have effect with respect to and for the benefit of any teacher (herein-after in this section called "a teacher") who at the appointed day is or thereafter shall be permanently and exclusively employed by the Corporation as the local education authority for the city or permanently and exclusively employed in any public elementary school in the city (whether provided by the Corporation as the local education authority or not so provided) or permanently and exclusively employed in any school college or hostel provided by the As to teachers.

A.D. 1915. Corporation as the local education authority for the purpose of Part II. of the Education Act 1902 (that is to say):—

- (1) In this Part of this Act and subject to the provisions of this section the expression "officer" or "servant" shall include a teacher:
- (2) Any period of service by a teacher prior to the day appointed to be the appointed day under the Education Act 1902 in a school which has not been provided by the local education authority shall not be reckoned as and shall not be service or prior service for the purposes of this Part of this Act:
- (3)—(a) In the application of this Part of this Act to any teacher to whom the Elementary School Teachers (Superannuation) Act 1898 and the Elementary School Teachers (Superannuation) Act 1912 (in this section called "the Teachers Superannuation Acts") apply the amount of the superannuation allowance to be made to a teacher under the provisions of this Part of this Act shall be complementary to the amount of the deferred annuity to which such teacher is entitled and of the superannuation allowance which may be granted to such teacher under the Teachers Superannuation Acts (in this section herein-after called "the benefits under the Teachers Superannuation Acts") and the salary or wages in respect of which such teacher shall contribute to and receive an annual allowance from the superannuation fund shall be so much (if any) of the actual salary or wages for the time being receivable by him as shall remain after deducting from such last-named salary or wages a sum equal to one and a half times the amount of the benefits under the Teachers Superannuation Acts receivable by him. Provided that the total amount of the contributions to be so made by him shall be at such rate or rates per centum per annum on the salary or wages calculated as aforesaid as the Corporation on the report of the actuary shall determine to be proper so that the total amount of the contributions made by a teacher at the time when he shall become entitled to an annual allowance from the superannuation fund shall as nearly as may be bear the same ratio to the amount of such allowance

as the total amount of the contributions made at the like time by any other officer or servant with a like service shall bear to the amount of the annual allowance receivable by such officer or servant: A.D. 1915.

- (b) For the purpose of giving effect to the provisions of this subsection the Corporation shall by resolution from time to time determine the amount of the benefits under the Teachers Superannuation Acts and prescribe a scale determining the rate or rates of contribution aforesaid :
- (4) If at any time hereafter under the said Act of 1898 or by reason of the passing of any general Act of Parliament whether in this or any subsequent Session of Parliament provision or increased provision shall be made for the superannuation of teachers the Corporation shall by an amending resolution make such provision as shall be necessary to meet the altered circumstances and by such resolution shall provide for the return to any teacher or the credit to him on account of future contributions to the superannuation fund of the amount of any payments made by him to such fund before the date of the amending resolution in respect of any part proportion or amount of his salary or wages in excess of the part proportion or amount in respect of which as determined by the said amending resolution he will thereafter be entitled to contribute to and receive an annual allowance from the superannuation fund :
- (5) No part of any benefit or superannuation allowance received by any teacher from the superannuation fund shall be deemed to be paid out of or received from public money within the meaning of the said Act of 1898 or any rules made thereunder or otherwise.

145. Within six months of the appointed day and at the expiration of every subsequent period of seven years the condition of the superannuation fund shall be submitted by the Corporation to an actuary (being a member either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland) appointed by them who shall consider the same and shall make an actuarial valuation of the fund and on the basis of such valuation shall certify what proportion in his opinion the primary annual contribution shall

Actuarial
investiga-
tion.

A.D. 1915

Sec. 143.

bear to the total salaries of the officers and servants contributing to the fund so that such proportion shall at all times be as nearly constant and vary as little as may be and so that without further recourse to the borough fund or other the several revenues of the Corporation the superannuation fund as constituted under paragraphs (a) (b) and (c) of subsection (1) of the section of this Act of which the marginal note is "Superannuation Fund" shall be solvent (having regard to existing and prospective liabilities) and for the then ensuing septennial period the primary annual contribution shall be the proportion so certified and shall be paid to the superannuation fund accordingly The Corporation shall furnish to the Local Government Board copies of the certificates of the actuary made to them under the provisions of this section.

Investment
of surplus of
fund.

146. At the end of each financial year the surplus of the annual income of the superannuation fund above the expenditure thereout shall be invested in statutory securities and the income thereof paid into that fund.

Provisions
of this Part
of Act not
to be com-
pulsory upon
existing
officers.

147. A copy of the provisions of this Part of this Act shall be sent or delivered to each officer or servant in the service or employment of the Corporation at the appointed day and any such officer or servant who shall thereafter within three months signify in writing to the Corporation that he does not desire to avail himself of the provisions of this Part of this Act shall not be required to make any contributions or to submit to any deduction from his salary or wages under this Part of this Act nor shall he be entitled to receive any superannuation allowance gratuity or other benefit under this Part of this Act.

Superannua-
tion fund to
be registered
under
Friendly
Societies
Act.

148. This Part of this Act shall not come into operation until the superannuation fund shall have been registered under the Friendly Societies Act 1896 and the provisions of that Act (except the proviso to subsection (1) of section 8 and sections 28 and 41) so far as they are applicable and are not inconsistent with the provisions of this Part of this Act shall apply (a) as if the provisions of this Part of this Act were the rules of a society to which that Act applies (b) as if the Corporation were the trustees of such society (c) as if the superannuation fund were the funds of this society (d) as if the contributors to the fund were the members of such society and (e) as if the accounts of such fund as audited by the city auditors were the annual

return of the receipts and expenditure funds and effects required by section 27 of the said Act: A.D. 1915.

Provided that the powers of sections 70 71 73 78 and 79 of the said Act shall not be exercised without the consent of the Corporation and that the Corporation shall send to the registrar under the said Act a copy of any certificate and report made in pursuance of the section of this Act of which the marginal note is "Actuarial investigation." Sec. 145.

149. This Part of this Act shall not come into operation unless and until the Corporation shall have obtained a report from an actuary (being a member either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland) appointed by them as to what the amount of the primary annual contribution as by this Part of this Act provided should be and thereafter the Corporation may appoint a day for this Part of this Act to come into operation. As to putting into force provisions of this Part of Act.

PART XIV.

FINANCIAL AND MISCELLANEOUS.

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

| 1 | 2 | 3 |
|--|---------------------|---|
| Purpose. | Amount. | Period. |
| | £ | |
| (a) For the extinguishment of common and other rights and the purchase of lands authorised by Parts II. and III. of this Act. | The sums requisite. | Sixty years from the date or dates of borrowing. |
| (b) For the provision of the trolley vehicles authorised by this Act. | 10,200 | Ten years from the date or dates of borrowing. |
| (c) For the provision of the electrical equipment and the construction of the other works necessary for the trolley vehicles authorised by this Act. | 5,500 | Twenty years from the date or dates of borrowing. |
| (d) For omnibuses - - - - | 10,800 | Five years from the date or dates of borrowing. |

A.D. 1915.

| 1 | 2 | 3 |
|---|--------------------|---|
| Purpose. | Amount. | Period. |
| (e) For electrical plant and machinery | £ 36,015 | Twenty years from the date or dates of borrowing. |
| (f) For the construction of buildings for the purposes of the trolley vehicles and omnibuses. | 2,300 | |
| (g) For the extension of generating station authorised by this Act. | 6,985 | } Thirty years from the date or dates of borrowing. |
| (h) For paying the costs charges and expenses of this Act. | The sum requisite. | |
| | | Five years from the passing of this Act. |

(2)—(a) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of Part IV. (Trolley Vehicles Omnibuses and Tramways) of this Act and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that Part.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Board with whose consent it is borrowed and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge—

As regards money borrowed for such of the purposes (a) mentioned in subsection (1) of this section as relate to Part II. of this Act and for the purpose (h) mentioned in the said subsection the borough fund and borough rate :

As regards money borrowed for such of the purposes (a) mentioned in subsection (1) of this section as relate to Part VI. of this Act and for the purposes (e) and (g) mentioned in the said subsection the revenue of the electricity undertaking and the district fund and general district rate :

As regards money borrowed for the other purposes mentioned in subsection (1) of this section the revenue of the tramway undertaking of the Corporation and the borough fund and borough rate :

As regards money borrowed with the consent of the Board of Trade or of the Local Government Board such revenue fund or rate as may be prescribed by the Board with whose consent the money is borrowed.

A.D. 1915.

151. For the purpose of raising money by virtue of the powers of this Act the provisions of the Local Loans Act 1875 shall be available to the Corporation and for the purposes aforesaid notwithstanding anything contained in the Local Loans Act 1875 the prescribed period shall be the prescribed periods fixed by this Act for the repayment of moneys borrowed or to be borrowed thereunder. Provided that in respect of moneys raised as aforesaid the provisions contained in the sections of the Act of 1908 whereof the marginal notes respectively are "Sinking fund for moneys borrowed under this Act" "Provision as to increase and reduction of payments to sinking fund" and "Annual return to Local Government Board" and which are incorporated with this Act shall apply in lieu of those contained in sections 15 and 16 of the Local Loans Act 1875.

Local Loans Act 1875 to be available.

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

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to re-borrow.

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

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

A.D. 1915.

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

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 66 (Power to re-borrow) of the Act of 1908 and section 65 (Power to re-borrow) of the Lincoln Corporation (Tramways &c.) Act 1900 are hereby repealed.

Application
of financial
provisions of
Act of 1908.

153. The following provisions of the Act of 1908 shall extend and apply (*mutatis mutandis*) to and in relation to moneys borrowed and re-borrowed under the powers of this Act:—

- Section 62 (Sinking fund for moneys borrowed under this Act);
- Section 63 (Provisions as to increase and reduction of payments to sinking fund);
- Section 65 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 68 (Sections 236 237 and 238 of Public Health Act to be available);
- Section 69 (Application of borrowed moneys);
- Section 70 (Appointment of receiver);
- Section 71 (Annual return to Local Government Board);
- Section 72 (Audit of accounts);
- Section 73 (Protection of lender from inquiry);
- Section 74 (Saving of charges);
- Section 75 (Corporation not to regard trusts);
- Section 76 (Inquiries by Local Government Board):

Sec. 157.

Provided that section 68 shall not apply to mortgages granted under the section of this Act the marginal note whereof is "Power to use one form of mortgage for all purposes."

Amending
Article IV.
of Lincoln
Order 1906

154. Notwithstanding anything contained in section 60 (Amending Article IV. of Order of 1906) of the Act of 1908 Article IV. of the Lincoln Order 1906 shall be read and

have effect as if the sum of eighty thousand pounds were inserted therein in lieu of the sum of two hundred thousand pounds.

A.D. 1915.
and section
60 of Act
of 1908.

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

Expenses of
execution of
Act.

156. Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money other than money required for paying the costs charges and expenses of this Act as herein-after defined during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Restriction
on exercise
of borrowing
powers.

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

Power to use
one form of
mortgage for
all purposes.

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

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

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

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

A.D. 1915.

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

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

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

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

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

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds. A.D. 1915.

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

(2) If at any time it should be necessary for making any payment for any compensation to which this section relates to borrow money the Corporation may with the sanction of the Local Government Board borrow the necessary sum on the security of the revenues of the Corporation.

159.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service. Power to grant gratuities in certain cases.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

160. Notwithstanding the provisions of section 30 (Price of supply by measure) of the Act of 1908 the Corporation may require that the charge to be paid for a supply of water by meter. Minimum charge for water by meter.

A.D. 1915. — measure for domestic purposes to any building shall not be less than the sum which would be chargeable by the Corporation for a supply of water given to the occupier of such building for domestic purposes otherwise than by meter.

Supply of water by Branston and Welton Rural District Councils.

161. Notwithstanding anything contained in the Act of 1908 or in any Act incorporated therewith or in the Public Health Acts the obligation of the Corporation to provide a supply of water to any place or places in the rural districts of Branston and Welton other than the parishes of Saxilby-with-Ingleby Burton Greetwell Canwick Bracebridge Heath Boutham Skellingthorpe and North Hykeham shall cease and the rural district councils of such districts may at any time provide a supply of water to any such place or places other than as aforesaid as is or are situate within their respective rural districts and within the area of water supply of the Corporation but is or are not at such time provided with a supply of water by the Corporation.

Regulating sale of coke by street hawkers.

162.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight from any vehicle in any street and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold or offered for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures Provided that—

(a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation:

(b) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment

of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring. A.D. 1915.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) If the owner or any person in charge of any vehicle from which coke is being sold or offered for sale in any street wilfully makes any false statement as to the weight or measure of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section.

(6)—(a) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the guildhall and by the distribution of handbills amongst persons affected or likely to be affected as far as such persons can reasonably be ascertained.

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

163.—(1) The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act other than Part IV. thereof Provided that the confirming authority in respect of byelaws made under Part II. of this Act and the section of this Act the marginal note whereof is "Byelaws as to bicycles &c. on commons" shall be a Secretary of State. General provisions as to byelaws. Sec. 128.

A.D. 1915.

(2) Copies of the byelaws for the time being in force relating to the commons shall be put up by the Corporation on the commons at such places and in such manner as they may think best calculated to give information to the persons using the commons.

Apportionment of expenses in case of joint owners.

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

Evidence of appointments authority &c.

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

Authentication and service of notices &c.

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

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act provisional order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be

delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business. A.D. 1915.

167. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the city. Informations by whom to be laid.

168. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence. Powers of Act cumulative.

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

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

171. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order by a court As to appeal.

A.D. 1915. of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Recovery of penalties &c.

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

Damages and charges to be settled by court.

173. 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 court before whom any offender is convicted.

Application of section 265 of Public Health Act 1875.

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

Saving for indictments &c.

175. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Compensation how to be determined.

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

Judges not disqualified.

177. 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.

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

A.D. 1915.
Crown
rights.

179. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for 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 borough fund and borough rate and the district fund and general district rate in such proportions as the Corporation may by resolution determine or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

A.D. 1915. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

| City. | Number on deposited Plan. |
|-------------------|---------------------------|
| Lincoln - - - - - | 18 19 20 21. |

THE SECOND SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Lincoln Corporation Act 1915 and of other their powers in that behalf them enabling the mayor aldermen and citizens of the city of Lincoln (herein-after referred to as "the Corporation") in consideration of the sum of _____ pounds (herein-after referred to as "the principal sum") paid to the treasurer of the city by _____ (herein-after referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred _____ and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____

and the _____ day of _____ in each A.D. 1915.
year And it is hereby agreed that the principal sum shall be repaid
at _____ in the said city [(subject as herein-after
provided) on the _____ day of _____
one thousand nine hundred and _____] [by _____]:

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

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

THE ENDORSEMENT WITHIN REFERRED TO.

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

Dated this _____ day of _____ one thousand
nine hundred and _____ .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____
[of _____] in consideration of the
sum of _____ pounds paid
to me by _____ of _____
(herein-after referred to as "the transferee") do hereby transfer to the
transferee [his] executors administrators and assigns [the within-written
security] [the mortgage number _____ of the revenues of the
mayor aldermen and citizens of the city of Lincoln bearing date the
_____ day of _____] and all my right and

