



CHAPTER lxxx.

An Act to empower the Corporation of Liverpool to improve the street known as Islington, to contribute to the enlargement of the Liverpool Royal Infirmary, to acquire the Netherfield Road Hospital; and for other purposes.

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[25th June 1886.]

WHEREAS the widening by the mayor aldermen and citizens of the city of Liverpool (herein-after called "the Corporation") of the street known as Islington in the said city would be of public advantage:

And whereas the existing buildings of the Royal Infirmary in the city are inadequate to meet the increasing demand for accommodation of patients:

And whereas the governors of the Royal Infirmary have prepared a scheme for its enlargement and have raised by voluntary subscriptions upwards of seventy thousand pounds which sum is however insufficient (owing to the high price of land) for the execution of the scheme:

And whereas the governors have applied to the Corporation for assistance and it is expedient in view of the great benefits derived by the citizens of Liverpool from the infirmary that the Corporation be empowered to contribute a sum of fifteen thousand pounds towards the execution of the scheme and to close a back street adjoining the infirmary and known as Pembroke Gardens and to appropriate the site thereof to the purposes of the infirmary:

And whereas the city of Liverpool does not possess adequate hospital accommodation for the reception and treatment of patients suffering from infectious diseases and the Corporation are desirous of supplying this want:

And whereas the trustees of the Institution for Infectious Diseases situate in Netherfield Road owing to want of funds cannot properly maintain the same and are willing if authorised by Parliament to transfer the buildings land and other property to the Corporation and the Corporation are willing and it is expedient that they be

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And whereas it is expedient that the Corporation should be empowered to acquire certain lands adjoining or near to the said institution for the enlargement and improvement thereof :

And whereas it is expedient to confer further powers on the Corporation in relation to the management of the public parks and to amend various enactments respecting the application of surplus moneys arising on the tramways account of the Corporation :

And whereas the Court of Passage in the city is an ancient court of record for the trial of civil actions and it is expedient in some respects to amend the existing provisions relating to the offices of registrar and deputy registrar of the said court :

And whereas the Corporation have prepared estimates showing that they will or may require to borrow for purposes of this Act (being permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875) sums not exceeding one hundred and fifty thousand pounds (that is to say) :

For the execution of the street improvement by this Act authorised one hundred and forty thousand pounds :

For the provision of hospital accommodation ten thousand pounds :

and it is expedient to empower the Corporation to raise those respective sums on the security of the improvement rate leviable under the Liverpool Improvement Act 1867 and of the general rate leviable under the Liverpool Sanitary Act 1846 respectively :

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

And whereas plans and sections showing the lines and levels of the street improvement authorised by this Act and plans showing the lands by this Act authorised to be acquired and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-eighth day of October one thousand eight hundred and eighty-five after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Liverpool Mercury the Liverpool Daily Post and the Liverpool Courier being three local newspapers published or circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation

to promoting the Bill for this Act should at the option of the council be charged on the city fund or city rate :

And whereas such resolution was published twice in the same local newspapers and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held on the sixth day of January one thousand eight hundred and eighty-six in pursuance of a similar notice being not less than fourteen days after the deposit of the Bill in Parliament :

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

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

1. This Act may be cited as the Liverpool Improvement Act 1886. Short title.
 2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.
 3. In and for the purposes of this Act—
Terms to which a meaning is assigned by any of the Acts incorporated herewith have (unless the context otherwise requires) the same respective meanings Provided that the expression “superior courts” or “court of competent jurisdiction” or any like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute :
“Person” includes a corporation. Interpretation.
 4. This Act shall be carried into execution by the Corporation acting by the council. Execution of Act by council.
- Islington Street Improvement.*
5. Subject to the provisions of this Act the Corporation may execute in the lines and according to the levels shown on the deposited plans and sections a widening and improvement of the street known as Islington between Saint Anne Street and the east side of the county sessions house in Islington Flags. Power to execute Islington Street improvement.

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Power to deviate.

6. In executing the said street improvement the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

Royal Infirmary.

Corporation to contribute to funds of Royal Infirmary.

7. (1.) The Corporation shall within six months from the passing of this Act out of the capital of the city fund contribute a sum of fifteen thousand pounds towards the enlargement of the Royal Infirmary in Liverpool and the acquisition of any land that may be required for that purpose :

(2.) The receipt of any three of the trustees of the said Royal Infirmary shall be a full and complete discharge to the Corporation for payment of the said sum and the Corporation shall not be bound or entitled to inquire as to or be responsible for the application or misapplication of the same.

Power to appropriate site of Pembroke Gardens.

8. In connexion with the enlargement of the Royal Infirmary the Corporation may at any time after the passing of this Act stop up and extinguish all rights of way over the back street known as Pembroke Gardens and may build upon or otherwise use or permit to be used the site and soil thereof for the purposes of the said Royal Infirmary freed and discharged from all rights and easements over or affecting the same or any part thereof.

Infectious Diseases Hospital.

Power to transfer Netherfield Road institution to Corporation.

9. (1.) The trustees in whom are vested by virtue of an indenture of conveyance dated the sixteenth day of March one thousand eight hundred and sixty-nine and a declaration of trust of even date therewith the buildings and grounds of the Institution for Infectious Diseases in Netherfield Road are hereby empowered to convey and shall at the request of the Corporation made within twelve months from the passing of this Act convey by deed at any time after the passing of this Act to the Corporation all their estate and interest in the premises comprised in the said indenture and declaration of trust as well as any other real or leasehold property held by them in trust for the said institution and all furniture and other moveables belonging thereto :

(2.) The execution of such deed as aforesaid by any three or more of the persons who are the trustees of the said institution at the date of the execution thereof shall be sufficient to and for all intents and purposes.

Winding-up of trusts of institution.

10. When and so soon as the said trustees shall have conveyed to the Corporation all such real leasehold and other property as aforesaid the trust declared by the said declaration of trust of the

sixteenth day of March one thousand eight hundred and sixty-nine shall be deemed to be wound up and shall absolutely cease and determine and the said trustees shall by virtue of this Act be discharged from acting in the execution thereof and shall be indemnified for all acts bonâ fide done by them while acting as such trustees.

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11. All contracts agreements deeds and covenants between the trustees and any person or between the managing committee of the said institution and any person in relation to the said institution which at the time of such transfer as aforesaid are in force shall be as binding and of as full effect in every respect as if such transfer had not taken place and may be enforced as fully and effectually against or in favour of the Corporation as if instead of the said trustees or managing committee the Corporation had been a party thereto.

Contracts of trustees &c. to bind Corporation.

12. All persons who immediately before such transfer as aforesaid owe any sum of money to the said trustees or managing committee shall pay the same with all interest (if any) due or to accrue due for the same to the Corporation and all debts and moneys which immediately before such transfer as aforesaid are due or owing by or recoverable from the said trustees or managing committee shall be paid with all interest (if any) due or to accrue thereon by or be recoverable from the Corporation.

Debts due to be paid to and by Corporation.

13. Any action or proceeding and any cause of action or proceeding pending or existing by or against the said trustees or managing committee shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer as aforesaid but the same may be continued prosecuted and enforced by or against the Corporation as and when it might have been continued prosecuted and enforced by or against the said trustees or managing committee as the case may be.

Pending actions by or against the trustees &c. not to abate.

14. For the purpose of providing adequate hospital accommodation for the reception and treatment of persons suffering from infectious diseases except small-pox the Corporation may—

Corporation to provide adequate hospital accommodation for cases of infectious disease.

(a.) Appropriate and use the lands and buildings so transferred by the said trustees and may sell or otherwise dispose of the whole or any part of such lands or buildings which shall not in the opinion of the Corporation be required or suitable for that purpose :

(b.) Acquire all or any of the lands shown on the deposited plans as proposed to be acquired in connexion with the lands and buildings so transferred and (by agreement) any other lands adapted for an infectious diseases hospital Provided that

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nothing in this Act contained shall authorise the Corporation to acquire any lands or buildings within the borough of Bootle-cum-Linacre for the purpose of erecting or providing a hospital except with the consent in writing of the mayor aldermen and burgesses of that borough :

(c.) Stop up and extinguish all rights of way and other rights over Back Pyramid Street and so much of Ewbank Street Pyramid Street and Carol Street and any other street or passage as is included within the limits of the lands authorised to be acquired as aforesaid if and when they become owners of the lands on both sides thereof and build over and use the sites thereof or permit the same to be built over and used for the purposes of such hospital : and .

(d.) Erect on the said lands or any part thereof any building or buildings suitable for such hospital :

In the construction of the Public Health Act 1875 as regards the Corporation the provision of hospital accommodation under this Act shall be deemed to be one of the purposes of the Public Health Act 1875 :

Nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them.

Accommoda-
tion for
paying
patients.

15. After such conveyance and transfer to the Corporation as aforesaid the Corporation shall provide proper and suitable accommodation for patients in the buildings so transferred or in some other hospital as follows namely :—

(a.) Not less than six beds for first class paying patients each bed being in a separate room :

(b.) Not less than twelve beds for second class paying patients to be kept in a ward or wards separate from the non-paying patients : and

(c.) Not less than forty-two beds for other patients.

Restricting
use of
hospital.

16. The Corporation shall not at any time use the present hospital or any addition thereto or any new hospital which may be erected on the land to be transferred as aforesaid for the reception or treatment of patients suffering from small-pox and the maximum accommodation which may be provided therein for patients shall be eighty beds.

Zone of forty
feet to be
cleared round
wards.

17. The Corporation shall before they use the said hospital for the purposes of section fourteen of this Act acquire any property and pull down and remove the buildings thereon which may be within forty feet of the wards of the hospital and shall not allow any buildings to be erected (except administration buildings to be used in connexion with the hospital) within a zone of forty feet of

the said wards so long as the hospital shall be used for the purposes aforesaid : A.D. 1886.

Provided that the Corporation shall not be obliged to clear such zone as aforesaid if they use the hospital for the purpose only of carrying out the obligations thrown upon them by section fifteen of this Act.

18. Any expenses incurred by the Corporation in the maintenance of an infectious diseases hospital shall be payable out of the general rate leviable under the Liverpool Sanitary Act 1846. As to payment of hospital expenses.

Parks and Tramways.

19. Notwithstanding anything contained in section fifty-two of the Liverpool Improvement and Waterworks Act 1871 or in any byelaws made thereunder the Corporation may at any time and from time to time close any public park or recreation ground under their control or any part thereof for such periods as they may think fit for the purpose of allowing the same to be used for military purposes by any of Her Majesty's regular reserve or auxiliary forces. Temporary use of parks for military purposes by regular reserve or auxiliary forces.

20. Whereas under the provisions of the Liverpool Tramways (Purchase) Act 1872 and the Liverpool Tramways Act 1880 any surplus money arising from the tramways purchased by the Corporation under the last-mentioned Act after making the several payments mentioned or referred to in such Act is carried to the credit of the general rate under the Liverpool Sanitary Act 1846 : Application of surplus on tramways account.

And whereas under the provisions of the Tramways Act 1870 any surplus arising from rents and tolls received by the Corporation from tramways constructed under the powers of several provisional orders made under that Act has to be applied by the Corporation for the purposes for which the city fund or city rate would be applicable :

And whereas the paving rates in the city are levied in respect of five districts comprising the parish of Liverpool and four out-townships and each district has a separate paving rate to raise the money spent in paving and maintaining the streets in such district but the said general rate is levied equally over the whole city and not in respect of districts :

And whereas in the several districts of the city the expenses of maintenance of the streets are increased by tramways being laid thereon and it is equitable that the surplus moneys arising from the tramways should be divided among the several districts in proportion to their respective tramway mileage instead of (as at present) being carried to the credit of the said general rate or city fund :

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Therefore notwithstanding anything in any Act of Parliament or order confirmed by Parliament the Corporation shall yearly half-yearly or quarterly carry all surplus moneys arising on their tramways account to the credit of the respective paving accounts of the five rating districts of the city in proportion to the mileage of tramways from time to time laid down in those respective districts and all moneys so carried to the said respective paving accounts shall be applied for the same purposes as moneys raised by means of paving rates.

Lands.

Power to acquire lands.

21. For the purposes and subject to the provisions of this Act the Corporation may from time to time enter on take and use all or any of the lands shown on the deposited plans and described in the deposited books of reference.

Correction of errors in plans &c.

22. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown or described in the deposited plans or book of reference the Corporation after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it appears to the justices that the omission mis-statement or wrong description arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited (as regards both the county and the parish) as if it had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Power for persons under disability to grant easements.

23. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation any easement right or privilege required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell to Corporation parts only of

24. And whereas in the exercise by the Corporation of the powers of this Act it may happen that portions only of the lands or other buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions

may be severed from the remainder of the said properties without material detriment thereto :

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Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories numbered on the deposited plans 1 to 12 inclusive in the parish of Liverpool and whereof parts only are required for the purposes of the Corporation may (if such portions can in the judgment of the jury arbitrator or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise Provided that the provisions of this section shall not apply in the event of the Corporation requiring to take more of the said properties than is situate on the south side of the proposed line of widening as marked on the deposited plans.

certain
lands and
buildings.

25. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase of
lands.

26. The provisions contained in sections twenty-four twenty-five (as altered by section thirty-two sub-section (c) of the Liverpool Corporation Loans Act 1880) twenty-seven to thirty-three (both included) and thirty-nine of the Liverpool Improvement Act 1867 shall apply for the purpose of the execution of the provisions of this Act as if they were re-enacted herein.

Application
of certain
provisions of
Improvement
Act 1867.

27. (1.) The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restriction
on displacing
persons of
labouring
class.

(a.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile

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therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case: and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme:

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme:

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit:

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme under this section or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice:

(5.) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of a scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty:

(6.) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the sanitary authority in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit:

(7.) The Corporation shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector:

(8.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

28. The site and soil of any street road passage or public place by this Act authorised to be stopped up and discontinued shall from and immediately after the stopping up thereof be wholly and absolutely vested in the Corporation freed and discharged from all rights of way and other rights and easements over or affecting the same.

Site and soil of streets &c. to vest in Corporation.

Court of Passage.

29. (1.) After the passing of this Act the town clerk of the city of Liverpool shall cease to be registrar of the Court of Passage by virtue of his office and the council shall from time to time appoint a fit and proper person being a practising barrister of not less than five years standing or a practising solicitor who has been at least five years in practice to be registrar of the said court and shall fix his remuneration which shall be payable out of the city fund:

Appointment of registrar of court by the council.

(2.) The registrar shall hold his office during the pleasure of the council:

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(3.) The registrar shall have exercise and perform (subject to any rules of court) all powers and duties exerciseable by or attaching to the town clerk as registrar before the passing of this Act:

(4.) Until a registrar is appointed as aforesaid the deputy registrar shall exercise the powers and perform the duties of registrar:

(5.) The registrar shall pay all fees received by him by virtue of his office to the treasurer of the city to be carried to the credit of the city fund.

Deputy registrar of court.

30. (1.) The council may if they see fit from time to time appoint a deputy registrar being a person having the same qualification as is required for the registrar to act during the absence or inability of the registrar to act and shall fix his remuneration which shall be paid out of the city fund:

(2.) A deputy registrar shall have (subject to any rules of court) all the powers and perform the duties of the registrar.

Miscellaneous.

Power to raise further money.

31. The Corporation are hereby authorised from time to time to borrow and re-borrow for the purposes of the street improvement authorised by this Act any sums not exceeding one hundred and forty thousand pounds and for the provision of hospital accommodation under this Act any sums not exceeding ten thousand pounds Provided that all moneys borrowed under this Act shall be applied to purposes to which capital is properly applicable and not otherwise.

Power to create corporation stock.

32. (1.) For the purpose of raising the moneys authorised to be raised or borrowed under this Act the Corporation may from time to time create and issue Liverpool Corporation Stock under the Liverpool Corporation Loans Act 1880:

(2.) The amount of the annual sums payable to the Corporation Loans Fund under the said Act towards the redemption of stock created and issued by the Corporation for purposes of this Act shall be such as with accumulation at the rate of three pounds ten shillings per centum per annum will suffice to redeem at par such stock within forty years from the time or respective times of creation of such stock:

(3.) The half-yearly annual or other sums payable to the Corporation Loans Fund under the Liverpool Corporation Loans Act 1880 for payment of dividends on and towards redemption of such stock shall be payable in the case of stock issued to raise money for the provision of hospital accommodation out of the

general rate leviable under the Liverpool Sanitary Act 1846 and in the case of stock issued to raise money for the street improvement authorised by this Act out of the 1867 improvement rate and that rate shall continue leviable and to be levied as if the street improvement purposes of this Act were purposes of the Liverpool Improvement Act 1867 to which the 1867 improvement rate is made applicable and section sixty-four of that Act shall be read and have effect accordingly Provided that for the purposes of the Liverpool Improvement Acts 1883 and 1885 and of this Act section sixty-one of the said Improvement Act of 1867 shall be read and have effect as if the words "ten pence" were therein inserted instead of "seven pence" and the proviso to section twenty-three of the Liverpool Improvement Act 1883 is hereby repealed.

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33. The Corporation may if they think fit borrow and re-borrow on mortgage of the 1867 improvement rate all or any moneys authorised to be raised under this Act or under the Liverpool Improvement Acts 1882 1883 and 1885 respectively for street improvement purposes and may borrow and re-borrow on mortgage of the general rate authorised to be levied by the Liverpool Sanitary Act 1846 all or any moneys authorised to be raised under this Act for the provision of hospital accommodation and all the provisions of the Liverpool Improvement Act 1867 (as amended by section seventy-eight of the Liverpool Improvement and Waterworks Act 1871) with regard to the borrowing and re-borrowing of money by mortgage on the credit of the rates authorised to be levied by the Liverpool Sanitary Act 1846 and the Liverpool Improvement Act 1867 respectively shall respectively apply mutatis mutandis to the moneys authorised to be borrowed under this Act or the said Acts of 1882 1883 and 1885 on mortgage of the 1867 improvement rate or the general rate of 1846 respectively :

Power to borrow on mortgage.

Provided always that the Corporation shall not re-borrow any moneys borrowed by them under this Act and paid off by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other property or out of fines or premiums on leases Provided further that all moneys so re-borrowed shall be repaid within the time prescribed for the repayment of the moneys in lieu of which such re-borrowing is made and any amounts from time to time re-borrowed shall for the purposes of repayment be deemed to form the same loan as the moneys in lieu of which such re-borrowing has been made and the obligations of the Corporation with respect to the sinking fund to be set aside or the appropriations to be made for repayments or the instalments to be paid shall not be effected by such re-borrowing.

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

34. The treasurer of the city shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund or appropriated or paid as an instalment or annual repayment under the preceding provisions of this Act transmit to the Local Government Board a return in such form and verified in such manner as that board may from time to time prescribe showing the amount which has been appropriated or paid by instalments or annual repayment or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereof has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act :

If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to make any appropriation or annual repayment or set apart the sum required by the preceding provisions of this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or the interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

Costs of Act.

35. The costs charges and expenses of and incidental to the preparing applying for and obtaining this Act as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of the city fund.