

10
4 & 5 GEORGE V.—SESSION 1914.

THE WEYMOUTH AND MELCOMBE REGIS
CORPORATION ACT 1914.

ARRANGEMENT OF SECTIONS.

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SCHEDULES.

A N A C T

To authorise the MAYOR ALDERMEN and BURGESSES of the BOROUGH of WEYMOUTH AND MELCOMBE REGIS to reconstruct the Weymouth Swing Bridge and the Backwater Bridge and to make other works upon and to fill in the Backwater and to confer further powers upon the Corporation with respect to the regulation management and good government of the Borough; and for other purposes.

[ROYAL ASSENT, 7TH AUGUST, 1914.]

WHEREAS the Borough of Weymouth and Melcombe Regis (in this Act called "the Borough") is a Borough subject to the Acts relating to Municipal Corporations and the Mayor Aldermen and Burgesses of the Borough (in this Act called "the Corporation") acting by the Council are the Urban Sanitary Authority for the district thereof:

Preamble.

And whereas the several Acts and Orders specified in the First Schedule to this Act among other Acts and Orders are in force within the Borough which Acts and Orders are in this Act referred to collectively as "the former Acts" and each of them separately as an Act or Order of the year in which the same was passed or made:

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And whereas there is within the Harbour an area of land covered with water known as the Backwater or Radipole Lake which is or is reputed to be the property of the Corporation and it is expedient that the Corporation be empowered to construct the works in relation thereto by this Act authorised and to fill in 5 and reclaim portions thereof :

20 & 21 Viet.
cap. ci.

And whereas under and by virtue of " The Backwater Bridge " and Roads Act 1857 " a bridge was constructed across the Backwater and was vested in Trustees as mentioned in the said Act and is now vested in and maintainable by the County Council 10 of the administrative County of Dorset :

And whereas the said bridge is not convenient for the purposes of the present traffic thereover and requires reconstruction and it is expedient that the powers of this Act in that behalf should be conferred and that the said County Council should be 15 required as in this Act provided to contribute towards the reconstruction of the said bridge to the extent and in the manner by this Act provided :

42 & 43 Viet.
cap. xlii.

And whereas by " The Weymouth and Melcombe Regis Bridge " Act 1879 " the Corporation were empowered to reconstruct and 20 enlarge the then existing swing bridge across the Harbour and the bridge as so reconstructed has become insufficient for the purposes of the Harbour and it is expedient in the interests of the Harbour and of the Borough that such swing bridge should be reconstructed and the opening span thereof further enlarged : 25

And whereas it is expedient that powers as in this Act contained should be conferred upon the Corporation in respect of streets buildings drainage and watercourses and the powers of the Corporation with respect to infectious diseases and sanitary matters should be enlarged as by this Act provided : 30

And whereas the Corporation are supplying electrical energy within the Borough under and in pursuance of " The Weymouth " and Melcombe Regis Electric Lighting Order 1898 " scheduled to and confirmed by " The Electric Lighting Orders Confirmation " (No. 6) Act 1858 " and it is expedient that further powers 35 should be conferred upon the Corporation in reference to their electrical Undertaking :

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And whereas the Corporation are the owners of the Harbour of Weymouth and Melcombe Regis and have been authorised to construct certain works including a Pier known as the Pile Pier and doubts having arisen as to whether such Pier is included 5 within the Harbour Undertaking of the Corporation it is expedient that the said Pier should be made to form part of that Undertaking and that the provisions of this Act with respect thereto should be sanctioned :

And whereas it is expedient that further borrowing powers 10 be conferred on the Corporation :

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

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

15 And whereas estimates have been prepared by the Corporation of the cost of constructing the Works by this Act authorised (including the amount necessary for the purchase of such of the lands as are required to be purchased therefor) and such estimates are as follows :—

20 For the reconstruction of the Backwater Bridge and works in connection with the Backwater thirty-two thousand six hundred pounds ;

For the alteration or reconstruction of the Weymouth Swing Bridge twenty-two thousand two hundred and twenty pounds :

25 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 30 have been observed and the approval of the Local Government Board has been obtained :

And whereas Plans and Sections showing the lines situations and levels of the works by this Act authorised and the lands in [5]

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or through which they will be made or which may be taken compulsorily under the powers of this Act and a Book of Reference to those Plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the Clerk of the Peace for the County of Dorset and are in this Act referred to as the deposited Plans Sections and Book of Reference :

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be ENACTED AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.—PRELIMINARY.

Short Title. 1. This Act may be cited as “The Weymouth and Melcombe Regis Corporation Act 1914.” 15

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

- PART I. PRELIMINARY ;
- PART II. WORKS ;
- PART III. LANDS ; 20
- PART IV. STREETS AND BUILDINGS ;
- PART V. SEWERS AND DRAINS ;
- PART VI. WATERCOURSES ;
- PART VII. INFECTIOUS DISEASE ;
- PART VIII. SANITARY ; 25
- PART IX. ELECTRICITY ;
- PART X. FINANCIAL ;
- PART XI. RATES ;
- PART XII. MISCELLANEOUS.

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3. The following Acts or parts of Acts are incorporated with and form part of this Act so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act:—

5 The Lands Clauses Acts except Section 127 of “The Lands “ Clauses Consolidation Act 1845” ;

“ The Harbours Docks and Piers Clauses Act 1847.”

Provided that the following expressions used in “The Harbours “ Docks and Piers Clauses Act 1847” shall have the following 10 respective meanings (that is to say):—

The expressions “packet boat” and “post office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by “The Post Office Act 1908” and the 15 expression “post office bag of letters” means a mail bag as defined by the same Act.

Provided that nothing in “The Harbours Docks and Piers Clauses “Act 1847” or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers 20 live stock or goods for hire.

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 25 repugnant to such construction. And in this Act unless the subject or context otherwise requires—

“The Borough” means the Borough of Weymouth and Melcombe Regis ;

30 “The Corporation” means the Mayor Aldermen and Burgesses of the Borough ;

“The Council” means the Town Council of the Borough ;

“The County Council” means the Council of the Administrative County of Dorset ;

35 “The Town Clerk” “the Borough Accountant” “the “Medical Officer” “the Surveyor” and “the Inspector of [5] C

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"Nuisances" mean respectively the Town Clerk the Borough Accountant the Medical Officer of Health the Surveyor and the Inspector of Nuisances of the Borough and respectively include any person duly authorised to discharge temporarily the duties of those officers;

"The Borough Fund" and "the Borough Rate" mean respectively the Borough Fund and the Borough Rate of the Borough;

"District Fund" and "General District Rate" mean respectively the District Fund and the General District Rate of the Borough;

"Occupier" means the person for the time being in actual occupation or possession of the lands with reference to which that term is used;

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

"Infectious disease" means any infectious disease to which "The Infectious Disease (Notification) Act 1889" is for the time being applicable within the Borough;

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

"The Pile Pier" means the Pier authorised by the Weymouth and Melcombe Regis Markets and Pier Act 1854 but does not include the pavilion winter-gardens and skating rink erected on that Pier;

"The Harbour" means the Harbour of Weymouth and Melcombe Regis;

"The Harbour Undertaking" means the Undertaking carried on by the Corporation at and in connection with the Pile Pier and the Harbour;

"The Harbour Revenue" means and includes all moneys receivable by the Corporation for and in relation to the Harbour Undertaking other than borrowed moneys and moneys which ought to be carried to capital account;

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"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 rent-charges or securities transferable by delivery or any securities of the Corporation;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rent-charge 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 the lands undertakings and other property for the time being of the Corporation and rates and moneys leviable by or on the precept of the Corporation.

PART II.—WORKS.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines or situation and according to the levels shown on the deposited Plans and Sections the works hereinafter described situate in the Borough (that is to say):—

Work No. 1.—A Dam or Embankment with openings penstocks and sluices for the passage of the water of the River Wey commencing in the Parish of Weymouth on the western [5]

side of the Harbour or Backwater at the junction between Abbotsbury Road and Stavordale Road and terminating in the Parish of Melcombe Regis on the eastern side of the Harbour or Backwater at the western end of Little George Street;

Work No. 2.—An Embankment or Sea Wall in the Parish of Melcombe Regis on the eastern side of the Backwater commencing at the northern side of the Backwater Bridge and terminating by a junction with Work No. 7 by this Act authorised;

Work No. 7.—A New Road in the Parish of Melcombe Regis commencing in and out of Abbott's Court Road near the southern end of Hayward's Nurseries and terminating at and in Work No. 2 at a point about 8½ chains south-eastward from the south-eastern corner of Abbott's Court;

Work No. 9.—A Widening and Alteration or Reconstruction of the Swing Bridge across the Harbour known as Weymouth Bridge including an increase in the width of the opening span thereof and widening and improvement of the approaches thereto commencing in the Parish of Melcombe Regis at a point 3·3 chains or thereabouts measured in a northerly direction from the centre of the said existing bridge and terminating in the Parish of Weymouth at a point 1·8 chains or thereabouts south of the centre of the said existing bridge.

As to construction of part of Work No. 2.

6. Notwithstanding anything contained in this Act or shown on the deposited Plans and Sections so much of the Work No. 2 by this Act authorised as extends between points respectively about 5½ chains and 25 chains from the commencement thereof measured in a northerly direction along the centre line of the said work as shown on the deposited Plans may be constructed in the line and according to the levels shown on the plan and sections referred to in the Section of this Act of which the marginal note is "Part of Work No. 2 to be constructed by Great Western and London and South Western Railway Companies" but not otherwise.

Subsidiary works and powers in connection with works.

7. The Corporation may in connection with the works and for the purposes of this Part of this Act exercise all or any of the

powers and carry into effect all or any of the objects following (that is to say):—

(1) They may make and maintain all necessary approaches roads retaining walls piers abutments dams embankments girders piling cantilevers bridges arches sewers culverts water-courses channels drains goits excavations and other works and conveniences;

(2) They may from time to time deepen dredge scour cleanse widen alter and improve the entrance and approaches to Weymouth Harbour and the bed channel and foreshore of the haven and may remove any mud soil shingle rocks and shoals and otherwise improve the said entrance and approaches and so facilitate the access to Weymouth Harbour and may use and appropriate any materials so dredged or removed.

Provided that no materials excavated or dredged under the provisions of this Section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.

Provided also that the powers conferred upon the Corporation by sub-Section (1) of this Section shall not be exercised upon any lands not belonging to or acquired by the Corporation except with the consent of the owners lessees and occupiers for the time being of such lands.

8. Subject to the provisions of this Act the Corporation may in connection with the works by this Act authorised fill up and reclaim the Backwater and for that purpose may construct and maintain walls embankments dams piling sluices gates pumps drains and works for dealing with water and roads (either temporary or permanent) accesses bridges and such other works and conveniences as may be necessary for the purposes of this Section.

Provided that the Corporation shall in exercising the powers of this Section make provision for the due passage into the Harbour of all the waters of the River Wey.

9. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be

Works shown and approved by the Board of Trade. Filling up of portions of Backwater. 1914-1915

Works below high-water mark to be subject to approval of Board of Trade.

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constructed only in accordance with such Plans and Sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this Section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Lights on works during construction.

10. The Corporation shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Corporation fail to comply in any respect with the provisions of this Section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

11. The Corporation shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct. If the Corporation fail to comply in any respect with the provisions of this Section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Survey of work by Board of Trade.

12. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due

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from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

13. If a work constructed by the Corporation on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

14. In case of injury to or destruction or decay of the works by this Act authorised or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

15. Subject to the provisions of this Act the Corporation may in the execution of the works deviate laterally from the lines thereof as shown on the deposited Plans to any extent within the limits of deviation shown thereon and as regards Work No. 2 by this Act authorised to such further extent as may be necessary for the purposes of the Section of this Act of which the marginal note is "Part of Work No. 2 to be constructed by "Great Western and London and South Western Railway Companies" and of sub-Section (4) of the Section of this Act of which the marginal note is "For protection of Great Western and London and South Western Railway Companies" and may deviate vertically from the levels of the said works other than the Backwater Bridge and the Swing Bridge as shown on the deposited Sections to any extent not exceeding seven feet upwards or downwards and in the case of the Backwater Bridge and the Swing Bridge two feet upwards or downwards.

Power to deviate.

Provided that no deviation either lateral or vertical below

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high-water mark shall be made without the previous consent in writing of the Board of Trade.

Incidental powers of altering streets &c.

16. Subject to the provisions of this Act and within the limits of deviation shown on the deposited Plans the Corporation may in connection with the works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets or roads which may be intersected or interfered with by or be contiguous to such works and may make diversions widenings or alterations of the lines or levels of any existing streets or roads for the purpose of connecting the same with such works or of crossing under or over the same or otherwise and may alter and divert any railway or tramway lines which may be situate in such streets or roads and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this Section.

Provided that the Corporation shall not divert alter remove or otherwise interfere with any telegraphic line (as defined by "The Telegraph Act 1878") belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act.

Temporary stoppage of streets.

17. The Corporation may during the execution and for the purposes of constructing any works by this Act authorised stop up any street and subject to their providing reasonable access for all foot passengers bonâ fide going to or returning from any house in the street prevent for any reasonable time all persons other than such foot passengers from passing along and using the same.

Corporation empowered or may be required to underpin or otherwise strengthen houses near works.

18. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if

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required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened ;

(2) Each such notice if given by the Corporation shall be served in manner prescribed by Section 19 of "The Land Clauses Consolidation Act 1845" and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Town Clerk at his office ;

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an Engineer to be agreed upon or in case of difference to an Engineer to be appointed at the instance of either party by the Board of Trade ;

(4) Such Referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building ;

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment ;

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove

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inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the Referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof;

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under Section 68 of "The Lands Clauses Consolidation Act 1845" or under any other Act;

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts;

(9) Nothing in this Section shall repeal or affect the application of Section 92 of "The Lands Clauses Consolidation Act 1845."

Vesting of
Backwater Bridge
in Corporation.

19. (1) From and after the passing of this Act the Backwater Bridge and the road and footway thereover and the approaches thereto which are now vested in the County Council shall become vested in the Corporation in the place of the County Council and all the rights powers duties liabilities and obligations of every kind of the County Council whether statutory or otherwise in respect of the same shall devolve upon and be vested in the Corporation instead of the County Council whose powers duties and liabilities of every kind in respect thereof shall absolutely cease and determine.

(2) In consideration of the obligations and liabilities hereinbefore imposed upon the Corporation the County Council shall from and after the passing of this Act pay to the Corporation in every year the sum of one hundred and thirty pounds at such times and in such manner as shall be agreed upon between the County Council and the Corporation.

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(3) The County Council shall as soon as practicable after the passing of this Act transfer to the Corporation or to such person or persons as the Corporation may direct the security or securities in which is invested the sum of three hundred pounds paid by the Company of Proprietors of the Weymouth Waterworks to the County Council as consideration for the grant by the County Council to the said Company of the right to lay mains over the Backwater Bridge. The said security or securities when transferred as aforesaid and any security or securities which may at any time be substituted therefor shall be held by or on behalf of the Corporation as part of their corporate estates and may with the interest or dividends thereon be dealt with and applied accordingly.

20. (1) The Corporation shall in constructing the works by this Act authorised provide for the accommodation of telegraphic lines of the Postmaster-General:—

Additional
protection for
Postmaster
General.

(i) A space two feet two inches deep by one foot six inches wide under the footway on the south side of Embankment (Work No. 1); and

(ii) A space not less than two feet two inches deep and one foot six inches wide under the footway on the east side of the fixed portion of Weymouth Bridge (Work No. 9).

The accommodation shall be provided and constructed in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General. Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same. Any additional expense reasonably incurred by the Corporation in providing the said accommodation shall be repaid to them by the Postmaster-General.

(2) Any telegraphic lines of the Postmaster-General existing in and upon along over or across the Backwater Bridge shall not be interfered with unless and until arrangements to the satisfaction of the Postmaster-General have been made to prevent any interruption of the telegraphic service now being carried on by means of the said telegraphic lines.

16 *The Weymouth and Melcombe Regis Corporation Act 1914.*

(3) The expression "telegraphic line" shall have the same meaning in this Section as in "The Telegraph Act 1878."

For protection
of County
Council.

21. For the protection of the County Council the following provisions shall unless otherwise agreed in writing between the Corporation and the County Council apply and have effect (that is to say):—

(1) The Corporation shall within a period of one year from the date of the passing of this Act commence and shall thereafter proceed to complete the Work No. 1 by this Act authorised ;

(2) The Corporation shall construct across the Backwater on the said Work No. 1 a roadway of a width of not less than 40 feet between the parapets having a carriageway 26 feet wide between the kerbs and a footpath on each side of not less than 7 feet in width and such roadway shall be constructed in suitable alignment with the existing roads on either side of the present Backwater Bridge ;

(3) The County Council shall pay to the Corporation as a contribution towards the cost of constructing the said Work No. 1 the sum of thirteen thousand six hundred and twenty-five pounds and such sum shall be paid by instalments in manner following (that is to say):—

(a) The Engineer of the Corporation shall from time to time at intervals of not less than one month deliver to the County Council certificates stating in the case of the first of such certificates the amount payable by the Corporation up to the date of that certificate in respect of the construction of the said work and in the case of each subsequent certificate the amount so payable in addition to the amounts specified in any previous certificate or certificates and also stating in each of such certificates the proportion which the amount therein specified bears to the whole of the contract price of the said work ;

(b) The Corporation shall give to the Engineer of the County Council all necessary information and particulars to enable him to check the accuracy of the said certificates and such Engineer shall within eight days from the receipt by the

The Weymouth and Melcombe Regis Corporation Act 1914. 17

County Council of each of the said certificates either countersign the same as accurate or intimate to the Corporation in writing that he disputes the accuracy thereof and in the latter event the matters in dispute shall unless the Corporation and the County Council come to an agreement with respect thereto be determined by arbitration as hereinafter provided ;

(c) Within one month after the countersigning by the said Engineer of the County Council of any such certificate as aforesaid or (in case of dispute) after the date of the award of the Arbitrator with respect thereto the County Council shall pay to the Corporation such a sum as shall bear to the said sum of thirteen thousand six hundred and twenty-five pounds the same proportion as the sum specified in such certificate bears to the whole of the contract price of the said Work No. 1. Provided that notwithstanding anything contained in the final certificate delivered to the County Council the amount to be paid by them to the Corporation in respect thereof shall be such as with the aggregate sum paid by the County Council in respect of the previous certificates shall amount to the said sum of thirteen thousand six hundred and twenty-five pounds and that nothing contained in this Section shall impose upon the County Council the liability to pay in respect of the construction of the said Work No. 1 any sum or sums exceeding in the aggregate the said sum of thirteen thousand six hundred and twenty-five pounds ;

(4) If the Corporation shall not have completed the said Work No. 1 together with the said roadway and footpaths in accordance with the provisions hereinbefore contained within a period of six years from the passing of this Act it shall be lawful for the County Council to proceed with and complete the said works in accordance with the provisions of this Act and to recover from the Corporation all moneys costs charges and expenses reasonably paid or incurred by the County Council in or about the execution and completion of the said works after deducting any part of the said sum of thirteen thousand six hundred and twenty-five pounds which shall not

have been previously paid by the County Council to the Corporation ;

(5) In the event of any difference arising under this Section between the Corporation and the County Council such difference shall be referred to and determined by an Arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either of them after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of "The Arbitration Act 1889" shall apply to any such arbitration.

Repayment of
moneys borrowed
by County
Council.

22. (1) The cost incurred by the County Council for the contribution to be provided by them in pursuance of the Section of this Act of which the marginal note is "For protection of County Council" shall be deemed to be a cost for which the County Council are authorised to borrow under and subject to the provisions of Section 69 of "The Local Government Act 1888" and that Section shall apply accordingly provided that any moneys raised by the County Council for the purposes of this Section may be repaid within any period not exceeding sixty years which the Local Government Board may sanction and such moneys shall not be taken into account in calculating the total debt of the County Council for the purposes of sub-Section (2) of the said Section 69.

(2) The Clerk to the County Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid by the County Council as an instalment or annual payment or to be appropriated or to be paid to a Sinking Fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the said Clerk showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated

and the amounts which have been paid to or invested or applied for the purpose of the Sinking Fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the Sinking Fund or investment or of the sums accumulated by way of compound interest have been applied during the same period and the total amounts (if any) remaining invested at the end of the year and in the event of his failing to make such return the said Clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of such return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(3) If it appears to the Local Government Board by any such return or otherwise that the County Council has failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any Sinking Fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any Sinking Fund to any purposes other than those authorised the Local Government Board may by Order direct that the sum in such Order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such Order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

23. The Corporation shall produce to the Commissioners of Inland Revenue a King's Printers' copy of this Act stamped with duty at the rate of two shillings and sixpence for every five pounds of the yearly sum of one hundred and thirty pounds payable by the County Council under the provisions of the Section of this Act of which the marginal note is "Vesting of Backwater Bridge in Corporation" and with duty at the rate of two shillings and sixpence for every one hundred pounds and for the fraction of one hundred pounds of the sum of thirteen thousand six hundred and twenty-five pounds payable by the County Council under the provisions of the Section of this Act of

Stamp duty
in respect of
sums payable by
County Council.

which the marginal note is "For protection of County Council" and in default of such production within six months after the passing of this Act the duty with interest thereon at the rate of five per centum per annum shall become a debt from the Corporation to His Majesty.

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Part of Work
No. 2 to be con-
structed by Great
Western and
London and
South Western
Railway
Companies.

24. In the event of the construction of the Work No. 2 by this Act authorised—

(1) The following provisions shall unless otherwise agreed in writing between the Corporation on the one hand and the Great Western Railway Company and the London and South Western Railway Company (in this Section referred to as "the Two Companies") on the other hand apply with respect to the construction of so much of the said work as extends between points respectively about 5½ chains and 25 chains from the commencement of the said work measured in a northerly direction along the centre line of that work as shown on the deposited Plans which portion of the said work is in this Section referred to as "the altered work":—

(a) The altered work shall be constructed by the Two Companies in the line and according to the levels and in other respects in accordance with the plan and sections marked "A" signed by William Middlebrook Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan and sections one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited in the Parliament Office of the House of Lords;

(b) Within one month after being requested so to do the Two Companies shall submit to the Corporation a detailed specification of the altered work and if the Corporation shall not approve the said specification or shall make any requirement with respect thereto with which the Two Companies are unwilling to comply a difference shall be deemed to have arisen between the Two Companies and the Corporation;

(c) Within one month after receiving notice in writing from the Corporation requiring them so to do the Two Companies shall commence to construct the altered work

and shall proceed with all reasonable dispatch to complete the same in accordance with the said plan and sections and with the said specification as approved by the Corporation or in case of difference settled by arbitration as hereinafter provided. Provided that the Two Companies shall not be required to metal the roadway of or provide a footpath or footpaths along the altered work but such metalling shall be done and such footpath or footpaths shall be provided by and at the expense of the Corporation;

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(d) The Corporation shall afford to the Two Companies all such reasonable facilities in respect of the controlling of the level of the water in Radipole Lake as the Two Companies may from time to time require during and for the purpose of the construction of the portion of the altered work to be constructed within walls formed of concrete or other materials;

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(e) The altered work shall be carried out under the superintendence (if such be given) and to the reasonable satisfaction of the Corporation;

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(f) The Corporation shall provide and instal pumping apparatus or other suitable means for pumping out of the altered work or otherwise disposing of any surface or other water which may after the completion of the altered work flow or percolate thereinto and the Two Companies shall if so required by the Corporation afford to them all reasonable facilities for the installation of such pumping apparatus simultaneously with the construction of the altered work;

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(g) Upon the completion of the altered work to the reasonable satisfaction of the Corporation the altered work shall vest in and become the property of the Corporation as part of the Work No. 2 by this Act authorised but the Two Companies shall for a period of six months after such completion at their own expense maintain to the reasonable satisfaction of the Corporation the portion of the altered work to be constructed within walls formed of concrete or other materials and if within the said period of six months the said portion of the altered work shall prove not to be thoroughly water-tight the Two Companies shall at their own

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expense execute and do all such works and things as the Corporation may reasonably require for making the same water-tight;

(h) Within one month of the notice given to the Two Companies under paragraph (c) of this sub-Section the Corporation shall pay to the Two Companies the sum of one thousand six hundred and fifty pounds and upon the completion of the altered work to their reasonable satisfaction a further sum of one thousand six hundred and fifty pounds but subject to such contribution the Two Companies shall bear the expense of executing the altered work;

(i) If any difference shall arise between the Two Companies and the Corporation under this sub-Section such difference shall be referred to and determined by an Arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers;

(2) In consideration of the construction by the Two Companies of the altered work in accordance with the provisions of this Section the Two Companies shall as from the date of any notice given to the Two Companies by the Corporation under paragraph (c) of sub-Section (1) of this Section be relieved from all obligations under paragraph 3 of the Agreement dated the thirty-first day of December One thousand nine hundred and eight and made between the Corporation of the first part the Two Companies of the second part and the Weymouth and Portland Railway Company of the third part which Agreement is scheduled to and confirmed by "The Great Western Railway (General Powers) Act 1909";

(3) As from the date of the completion of the altered work in accordance with the provisions of this Section and of the opening thereof for traffic all rights of crossing on the level over the Portland Branch Railway of the Two Companies near the western end of King Street and between the points marked C and D on the said plan shall cease and determine but persons on foot whether with or without bicycles shall have the right to cross the said Portland Branch on the level between the

points marked A and B along the line coloured purple on the said plan.

25. For the protection of the Company of Proprietors of the Weymouth Waterworks (in this Section referred to as "the Company") the following provisions shall unless otherwise agreed between the Corporation and the Company apply and have effect (that is to say):—

(1) In the construction of the dam or embankment (Work No. 1) by this Act authorised or any part thereof and any approaches and works in connection therewith respectively (all of which are in this Section referred to as "Work No. 1") the Corporation shall at their own expense provide throughout the whole length of Work No. 1 reasonable accommodation for two main pipes of the Company each having an internal diameter of ten inches and so far as is reasonably practicable the said accommodation shall be such that the main pipes may be laid side by side beneath the footway on the south side of Work No. 1;

(2) The Company shall at their own expense on being reasonably required so to do by the Corporation lay a main pipe in the said accommodation contemporaneously with or as soon as practicable after the construction of Work No. 1 and thereafter at any time may at the like expense lay one further main pipe in the said accommodation. Provided that in no case shall the internal diameter of any main pipe exceed ten inches;

(3) If for the purposes of Work No. 9 by this Act authorised and the works in connection therewith the Corporation shall require to interfere with the existing main pipe of the Company under Weymouth Harbour or to construct any work over or adjacent to the site of such main pipe the Corporation shall at their own expense excavate a trench in the Harbour in such position within the limits of deviation for the said works as may be agreed between the Corporation and the Company or settled by arbitration as hereinafter provided sufficient for the accommodation of a main pipe of the Company having an internal diameter of not

exceeding ten inches and shall at the like expense keep open the said trench during the work of laying such main pipe and the Company shall at their own expense provide the necessary main pipe and on being reasonably required so to do by the Corporation lay the main pipe in and fill up and concrete such trench;

(4) Not less than one month before commencing any part of Work No. 1 or any part of Work No. 9 by this Act authorised or the accommodation and trench hereinbefore referred to or the works in connection therewith respectively (all of which are hereinafter in this Section included in the expression "the authorised works") within twenty feet of any existing main pipe or work of the Company the Corporation shall deliver to the Company a plan section and description of such portions of the authorised works and a description of the extent (if any) to which and the manner in which it is proposed to interfere with the existing main pipes and works of the Company;

(5) If it should appear to the Company that the authorised works will interfere with or endanger any of their main pipes or works or impede the supply of water the Company may give notice to the Corporation to lower or otherwise alter the position of such main pipes or works or to substitute temporarily or otherwise other main pipes or works in such manner as may be considered necessary and to lay or place under any main pipes or works cement concrete or other like substances and any difference as to the necessity of such lowering alteration support substitution laying or placing cement concrete or other like substance shall be settled as hereinafter provided and all such works shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence of the Engineer of the Company and the reasonable costs charges and expenses of such superintendence shall be paid by the Corporation. Provided that if the Company by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such works so require the Company may by their own Engineer or workmen do and execute such works so far as they interfere with or affect the

main pipes or works of the Company and the Corporation shall on completion thereof pay to the Company the reasonable expenses incurred by them in the execution thereof;

(6) In the event of such plan section and description so delivered to the Company as aforesaid not being objected to within one month the Company shall be deemed to have approved thereof and the authorised works shall be executed in strict accordance therewith;

(7) The Corporation in the execution of the authorised works shall not interfere more than is reasonably necessary with the main pipes and works of the Company and shall take every precaution for preventing damage to and interference with such main pipes and works and shall not do anything which may impede the passage of water into or through any such main pipes and works until the necessary works for continuing the supply of water shall be ready for use;

(8) Not less than seven days before commencing the construction of any of the authorised works the Corporation shall give to the Company notice in writing of their intention to commence the same and all such works so far as they affect the main pipes and works of the Company shall be constructed under the superintendence (if the same be given) of the Engineer of the Company;

(9) The Company shall make such alterations in the line and level of their main pipes and works other than those in upon or over the site of the said works as may be reasonably necessary to facilitate the execution of the authorised works in accordance with the plan section and description delivered by the Corporation as aforesaid and the expense of so doing shall be borne and paid by the Corporation;

(10) The Company their Engineer workmen and others in their employ shall at all times have full free and uninterrupted rights of access to all or any of the main pipes and works of the Company both during and after the construction of the authorised works and that notwithstanding the temporary stopping up of any street or place and shall be at liberty to do all such things as may be necessary for the purpose of inspecting

repairing replacing extending or otherwise dealing with such main pipes and works ;

(11) The Corporation shall be liable for all damages that may be incurred by the Company consequent upon any defects in any of the works of the Corporation which the Corporation might by the exercise of reasonable care have prevented or detected and shall indemnify the Company in respect of any actions claims or demands arising out of the interference by the Corporation with the main pipes and works of the Company and the Corporation shall pay to the Company the value of all main pipes and works of the Company which are rendered useless in consequence of the execution of the said Work No. 9 and upon such payment the said main pipes and works shall become the property of the Corporation ;

(12) If any interruption in the supply of water shall be in any way occasioned or if any substantial loss of water shall be sustained by the Company by reason of any act or omission of the Corporation or of any of their contractors agents workmen or servants or any person in the employ of them or any of them the Corporation shall indemnify and compensate the Company in respect of all claims demands damages expenses or losses which may be made or which they may sustain by reason of such interruption or loss as aforesaid ;

(13) Any difference which may arise between the Corporation and the Company under this Section shall be referred to and settled by an Arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of "The Arbitration Act 1889" shall apply to any such arbitration.

For protection
of the Weymouth
Consumers Gas
Company.

26. For the protection of the Weymouth Consumers Gas Company (in this Section called "the Gas Company") the following provisions shall unless otherwise agreed apply and have effect (that is to say) :—

(1) Before commencing any works by this Part of this Act authorised which will in any way affect the mains pipes syphons tubes or other works (hereinafter called "apparatus") of the Gas Company the Corporation shall deliver to the Gas Company

plans and sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and (except in the case of emergency) a notice stating the date when it is proposed to commence such works and such plans sections description and notice shall be delivered to the Gas Company at least twenty-eight days before the commencement of any such works ;

(2) If it should appear to the Gas Company that such works will interfere with or endanger any of their apparatus or impede the supply of gas the Gas Company may give notice to the Corporation to lower or otherwise alter the position of such apparatus or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution laying or placing cement concrete or other like substance shall be settled as hereinafter provided and all such works shall be done and executed by and at the expense of the Corporation but to the reasonable satisfaction and under the superintendence of the Engineer of the Gas Company and the reasonable costs charges and expenses of such superintendence shall be paid by the Corporation. Provided that if the Gas Company by notice in writing to the Corporation within seven days after the receipt by them of notice of the intended commencement by the Corporation of any such works so require the Gas Company may by their own Engineer or workmen do and execute such works so far as they interfere with or affect the apparatus of the Gas Company and the Corporation shall on completion thereof pay to the Gas Company the reasonable expenses incurred by them in the execution thereof ;

(3) In the event of such plans sections and description so delivered to the Gas Company as aforesaid not being objected to within fourteen days the Gas Company shall be deemed to have approved thereof and the said works shall be executed in strict accordance therewith ;

(4) The Gas Company may if reasonably necessary employ watchmen or inspectors to watch and inspect the works whereby any apparatus belonging to them will be interfered with or

injuriously affected during their construction repair or renewal and the reasonable wages of such watchmen or inspectors shall be borne by the Corporation and be paid by them to the Gas Company;

(5) If the Corporation for any of the purposes of this Act take any apparatus belonging to the Gas Company in any streets highways roads footpaths lanes courts passages and other places within the limits shown on the deposited Plans which are now used by the Gas Company for supplying gas to such streets highways roads footpaths lanes courts passages and other places they shall pay to the Gas Company the value of such apparatus and the same shall thereupon become the property of the Corporation and the Corporation shall also pay to the Gas Company their reasonable charges of removing or altering any of their apparatus in immediate communication therewith which the works of the Corporation shall render useless or which shall be required to be altered;

(6) If any interruption in the supply of gas by the Gas Company shall without the written consent of the Gas Company be in any way occasioned by the Corporation or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them (other than the Gas Company or any of their contractors agents workmen or servants or any person in the employ of the Gas Company) the Corporation shall compensate the Gas Company for and indemnify them against all damages losses claims or expenses incurred by or caused to them by or by reason or in consequence of such interruption the amount of such compensation failing agreement to be settled by arbitration as hereinafter provided;

(7) The expense of all repairs or renewals of any apparatus of the Gas Company or any works in connection therewith which may be rendered necessary by the acts or defaults of the Corporation their contractors agents workmen or servants or any person in the employ of them or any or either of them or by reason of any subsidence resulting from the works of the Corporation whether during the construction of the said works or at any time within twelve months thereafter shall be borne and paid by the Corporation and may be recovered against the

Corporation by the Gas Company in any Court of competent jurisdiction;

(8) If any difference shall arise with respect to any matter under this Section between the Corporation and the Gas Company or their respective Engineers or concerning any plans sections or description to be delivered to the Gas Company under the foregoing provisions of this Section the matter in difference shall be referred to and settled by an Arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of "The Arbitration Act 1889" shall apply to any such arbitration.

27. For the protection of the Great Western Railway Company and the London and South Western Railway Company the following provisions shall unless otherwise agreed apply and have effect (that is to say) :—

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

(1) In this Section the expression "the Railway Company" shall mean and include the Great Western Railway Company alone and/or the Great Western Railway Company and the London and South Western Railway Company jointly as the case may require and the expression "the Railway" shall mean and include the Wilts Somerset and Weymouth Railway of the Great Western Railway Company and the Weymouth and Portland Railway of the Great Western Railway Company and the London and South Western Railway Company or either of those Railways and the lands and works held with or forming part of those Railways respectively as the case may require;

(2) Notwithstanding anything contained in this Act or shown upon the deposited Plans and Sections the Corporation shall not (except with the previous consent of the Railway Company) enter upon purchase or acquire any lands or property belonging to the Railway Company but the Corporation may purchase and take and the Railway Company shall sell and grant an easement or right of using such of the lands of the Railway Company as may be necessary for the construction of the portion of Work No. 2 referred to in the Section of this Act the marginal note of which is "As to construction of part of "Work No. 2" and of the Work No. 9 by this Act authorised;

(3) The Corporation shall pay to the Railway Company for the easement or right which they may acquire under the provisions of this Section such consideration as may be agreed upon or as may be fixed in the event of difference by arbitration in the manner provided by the Lands Clauses Acts with respect to the settlement of disputed compensation;

(4) The Corporation shall give to the Railway Company three months' previous notice in writing of their intention to commence the Work No. 2 by this Act authorised and if within the said period of three months the Railway Company shall by notice in writing intimate to the Corporation their desire to purchase the lands coloured red on the plan marked "B" which has been signed by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (one copy of which has been deposited in the Parliament Office of the House of Lords and one copy in the Private Bill Office of the House of Commons) the Corporation shall sell to the Railway Company and the Railway Company shall purchase the said lands at such price as may be agreed between them or as failing such agreement may be determined in accordance with the provisions of the Lands Clauses Acts relating to the purchase and taking of lands otherwise than by agreement. If the Railway Company shall give such notice as aforesaid and purchase the said lands so much of the said Work No. 2 as is affected thereby may and shall be constructed westward of and contiguous to the said lands and the rights of way over (a) Alexander footbridge and (b) the Portland Branch between the points marked "A" and "B" on the Plan referred to in the Section of this Act of which the marginal note is "Part of Work No. 2 to be constructed by Great Western and "London and South Western Railway Companies" shall be extended over the said lands to the said Work No. 2 as so constructed and if and when the Railway Company use the said lands for any purpose which would endanger the safe passage of pedestrians thereover the Railway Company shall at their own expense and to the reasonable satisfaction of the Corporation construct an extension of the said Alexander footbridge of the same character as the existing footbridge and provide all such steps or other means of access as may be reasonably

necessary so as to form a communication over the said lands between the said footbridge as now existing and the said Work No. 2;

(5) The Corporation shall construct so much of Works Nos. 1 and 9 and of Work No. 2 (other than the portion thereof referred to in the Section of this Act of which the marginal note is "Part of Work No. 2 to be constructed by Great Western " and London and South Western Railway Companies") as passes over under adjoins or affects the Railway and all works both temporary and permanent necessary and incident to such construction (all of which works to the extent aforesaid are hereinafter referred to as "the said Works") so as not to injure the stability of or to disturb the Railway and other works connected therewith and so as not to interfere with the line or level thereof and so as not to endanger or (to any greater extent than shall be actually necessary) to obstruct impede or interfere with the free and uninterrupted user of the Railway or the traffic thereon and if any such obstruction impediment or interference shall be caused or take place the Corporation shall pay full compensation to the Railway Company in respect thereof;

(6) The Corporation shall carry the widening of the Swing Bridge forming part of Work No. 9 and the alteration and reconstruction of that bridge if and when carried out under the powers of this Act where the same is intended to cross over the Railway by means of a wrought iron or steel girder bridge with wrought iron or steel flooring having a clear span of a width of fifteen feet measured from the line of the northern abutment of the existing bridge and square to the Railway at the proposed point of crossing and such widening and (if and when constructed) alteration and reconstruction shall be constructed and for ever maintained by the Corporation with a clear headway above the existing level of the upper surface of the rails upon the Railway at the said point of crossing of not less than thirteen feet nine inches under the centre of the said span of not less than thirteen feet six inches over each of the rails thereof and of not less than twelve feet at the faces of the abutments of the widening or of the reconstructed bridge (as the case may be);

(7) The Corporation shall construct the said Work No. 9 and so much of the said Works No. 1 and No. 2 as is within forty feet of any part of the Railway in accordance with the provisions of this Section and according to plans sections drawings and specifications to be previously submitted to and approved in writing by the said Engineer or in case of difference between him and the Corporation by an Arbitrator to be appointed as hereinafter provided and the Corporation shall not commence the construction of the said Work No. 9 and portions of Works No. 1 and No. 2 or enter upon or interfere with any lands works or property belonging to the Railway Company until such plans sections drawings and specifications have been so submitted and approved. Provided that if within twenty-eight days of the receipt of such plans sections drawings and specifications the Engineer of the Railway Company has not signified his disapproval he shall be deemed to have approved thereof;

(8) The said works shall be executed by and in all things at the expense of the Corporation and as regards the work and portions of works referred to in sub-Section (7) of this Section under the superintendence and to the reasonable satisfaction of the said Engineer and at such times as he may reasonably require;

(9) The said Work No. 9 shall (so far as it affects the property of the Railway Company and except so far as the Corporation may be prevented or delayed by strikes or lock-outs) after commencement thereof be proceeded with with all practicable despatch;

(10) The Corporation shall to the reasonable satisfaction of the said Engineer make all necessary provision for the drainage of the said works and (so far as any drainage arrangements affecting the Railway may be interfered with or injuriously affected by the execution of the said works or by the raising of the level of the water in the Backwater) of such Railway;

(11) In constructing Work No. 2 the Corporation shall fence the same where it adjoins the property of the Railway Company northward of the Alexander footbridge with unclimbable iron fencing of a sufficient height above the level of the new road to

the reasonable satisfaction of the Engineer of the Railway Company and shall thereafter maintain the fence to the like satisfaction and the Corporation shall be at liberty to place and maintain in such fence a gate or gates to afford means of communication with any footway on the eastern side of such fence over which there may be a public right of way;

(12) The Corporation shall bear and on demand pay to the Railway Company the reasonable expenses (including sums equivalent to the premiums which would be payable at the usual rates for insuring against compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the Railway Company in or about such work) of the employment by the Railway Company during the construction of the said Work No. 9 of a sufficient number of inspectors watchmen and signalmen to be appointed by the Railway Company for watching the Railway and the conduct of the traffic thereon with reference to and during the execution of the said works for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of the Corporation or of their contractors with reference thereto or otherwise;

(13) If by reason of the construction of the said works it shall become reasonably necessary to add to alter or remove any signal cabin signal posts signals telegraph and telephone posts and wires or other works on or connected with the Railway or substitute other works therefor the Railway Company shall carry out such additions alterations removal or substitution and the expense thereof shall be repaid to them by the Corporation forthwith on demand;

(14) Before commencing the construction of any works which may affect the stability of the Railway the Corporation shall if required by the Railway Company so temporarily support strengthen shore up or under-pin the Railway and embankments thereof and execute such other protective works as the said Engineer shall reasonably require for ensuring the safety of the Railway and such works when commenced shall be proceeded with and completed with all reasonable despatch.

Provided always that if the Railway Company so elect they may themselves construct such protective works as may be agreed or determined by arbitration to be necessary for the purpose aforesaid and the Corporation shall repay to them on demand the expense thereof;

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(15) The Corporation shall at all times maintain so much of Work No. 9 as is constructed over the Railway in substantial repair and good order and condition to the reasonable satisfaction in all respects of the Engineer of the Railway Company and if and whenever the Corporation fail so to do the Railway Company may make and do in and upon as well the lands of the Corporation as their own lands all such works and things as they reasonably think requisite in that behalf and the sum from time to time certified by their Engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Corporation and in default of full repayment may be recovered by the Railway Company from the Corporation. The said Engineer and those authorised by him shall at all times have free access to the said portion of Work No. 9 and every facility shall be afforded him or them for inspection thereof;

(16) If during and by reason of the execution of the said works or (so far as such works are to be maintained by the Corporation) any failure thereof the said Railway or other property of the Railway Company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense and in the event of their failing so to do the Railway Company may make good the same and recover the costs thereof against the Corporation;

(17) If at any time the said Engineer shall reasonably be of opinion that the construction or maintenance of works or other operations of the Corporation are or may be attended with danger to any portion of the Railway the Corporation shall forthwith adopt such additional measures and precautions as the said Engineer may reasonably require for the purpose of preventing damage or injury thereto;

(18) If by reason of the execution by the Corporation of any of the works by this Act authorised the cost to the Railway

Company of any widening strengthening reconstruction alteration or repair of their Railway or works connected therewith shall be increased beyond the cost which they would have incurred if such work had not been executed the additional cost shall be paid by the Corporation to the Railway Company;

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(19) Except as expressly provided by this Section the Corporation shall be responsible for and make good to the Railway Company all costs losses damages and expenses which may be occasioned to the Railway Company by reason of the construction or failure of the said works or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors and the Corporation shall effectually indemnify and hold harmless the Railway Company from all claims and demands upon or against them by reason of any such act or omission;

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(20) The fact that any work or thing has been done or executed in accordance with any plan approved or not objected to by the Railway Company or under the supervision of their Engineer or in accordance with any direction or award of an Arbitrator shall not in itself excuse the Corporation from any liability for damage caused to the Railway or other property of the Railway Company or affect any claim by them for injury caused to the said Railway or the traffic thereon or in respect of demands of any other Company or person using the same;

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(21) The Corporation shall not under the provisions of the Section of this Act the marginal note of which is "Temporary stoppage of streets" stop up any street or road so as to prejudicially affect the access to any station halt or goods depôt of the Railway Company;

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(22) If any dispute (other than under sub-Section (3) or sub-Section (4) hereof) shall arise between the Railway Company and the Corporation respecting the matters and provisions aforesaid or any of them such dispute shall be determined unless otherwise agreed by an Arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and save as aforesaid the

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provisions of "The Arbitration Act 1889" shall apply to any such reference;

(23) The Corporation shall not exercise the powers of sub-Section (2) of the Section of this Act the marginal note of which is "Subsidiary works and powers in connection with 5 "works" within such a distance of any quay walls or other works maintainable by the Railway Company as might endanger the structure of such quay walls or works.

PART III.—LANDS.

Power to take lands.

28. Subject to the provisions of this Act the Corporation 10 may enter upon take and use all or any part of the lands delineated on the deposited Plans and described in the deposited Book of Reference which they require for the purposes authorised by this Act.

Correction of errors &c. in deposited Plans and Book of Reference.

29. If there be any omission mis-statement or wrong 15 description of any lands or of the owners lessees or occupiers of any lands shown on the deposited Plans or specified in the deposited Book of Reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two Justices not being members of the Council 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 25 such certificate shall be deposited with the Clerk of the Peace for the County of Dorset and such certificate shall be kept by such Clerk of the Peace with the other documents to which the same relates and thereupon the deposited Plans and Book of Reference shall be deemed to be corrected according to such certificate and it 30 shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

30. And whereas in the construction of the works by this Act authorised 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 5 may 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:—

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

10 (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this Section included in the term "the 15 "owner" and the said properties are hereinafter in this Section referred to as "the scheduled properties";

(2) 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 20 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 25 paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(3) 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 jury arbitrators or other authority to whom 30 the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without 35 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;

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(4) If the tribunal determine that the portion of the scheduled property 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;

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat 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 inquiry shall be borne and paid by the owner;

(6) If the tribunal determine that the portion of the scheduled property 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 charges and expenses reasonably and properly incurred by him in consequence of such notice;

(7) If the tribunal determine that the portion of the scheduled property 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.

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."

The provisions of this Section shall be stated in every notice given thereunder to sell and convey any premises.

31. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Limitation of time for compulsory purchase of lands.

32. The Corporation may for the purposes of this Act in addition to the lands they are authorised to acquire and hold under the powers of the former Acts and under the other powers of this Act from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding in the whole five acres or any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have an interest) which shall be deemed necessary by the Corporation but the Corporation shall not deal with any such lands so as to create or permit a nuisance. Power to acquire additional lands by agreement.

33. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange. Consideration for such acquisition.

34. 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 rent-charges 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. Power to grant easements &c. by agreement.

As to private rights of way over lands taken compulsorily.

35. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently altered buildings.

36. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November One thousand nine hundred and thirteen if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

37. 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 has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant.

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.

5 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.

38. The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the works by this Act authorised with respect to the sale or exchange by the Corporation to or with such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Corporation for the purposes of any such works.

Power to Corporation to make agreements with owners of property &c.

39. 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 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 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 or any other local Act of the Corporation and may sell exchange or dispose of any rents reserved on the sale lease 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.

Power to retain sell &c. lands.

PART IV.—STREETS AND BUILDINGS.

Corporation
may define future
line of streets.

40. (1) When any street or road repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without a 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 the Corporation propose to prescribe and define in the case of any street 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 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 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 such line 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 Arbitration Act 1889."

(3) Whenever in any of the cases hereinbefore referred to 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 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 shall offend 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.

41. 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 Borough or a continuation of or means of communication with a main approach to the Borough the Corporation may if they see 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 see 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.

Width of new
streets in certain
cases.

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.

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 consent of the Local Government Board.

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.

44 *The Weymouth and Melcombe Regis Corporation Act 1914.*

Further provisions as to new streets.

42. When a road or lane within the Borough is about to become a new street within the meaning of "The Public Health Act 1875" but the land on only one side of such street is about to be built on the Corporation may instead of requiring the owner of such land to widen such road or lane to the width prescribed by the by-laws in force within the Borough require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road or lane shall be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the by-laws of the Corporation.

Continuation of existing street to be deemed new street.

43. 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 by-law for the time being in force within the Borough be deemed to be a new street.

No building allowed till street defined.

44. (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 level thereof.

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

Erection of buildings to greater height than adjoining buildings.

45. (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.

The Weymouth and Melcombe Regis Corporation Act 1914. 45

46. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any application for their approval under this Section shall have been made to them neglect to notify their determination in writing with reference thereto they shall be deemed to have given such approval. 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. The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

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

47. (1) Every new building used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school and exceeding thirty-five feet in height shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the lowest adjoining street level with such means of escape in case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied for any of the purposes aforesaid until the Corporation shall have issued a certificate that the provisions of this Section have been complied with in relation thereto.

Means of escape from buildings in case of fire.

(2) The means of escape in case of fire provided in any building in pursuance of this Section shall be maintained by the occupier in good and efficient condition and free from obstruction.

(3) Nothing in this Section contained shall be deemed to interfere with the operation of Section 14 (Provision of means of

escape in case of fire) and Section 15 (By-laws for means of escape from fire) of "The Factory and Workshop Act 1901" or of any Act amending the same.

(4) 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.

Power to make by-laws.

48. The Corporation may make by-laws with respect to the following matters viz. :—

(1) The materials with which new buildings shall be constructed and the manner in which and the materials 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 connection therewith and as to the occupation of buildings when united;

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

Area of habitable rooms.

49. Section 23 of "The Public Health Acts Amendment Act 1890" in its application to the Borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in sub-Section (1) of that Section.

Sanitary conveniences for workmen engaged on buildings.

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

(2) Any person offending 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.

51. (1) The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other debris of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully or cause the houses in such street to be flooded.

For preventing soil sand and other debris from being washed into streets.

(2) If any person shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of sub-Section (1) of this Section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this Section "public street" means a street repairable by the inhabitants at large.

52. (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 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 within seven days so to lop the tree hedge or shrub 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.

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 clear days after the service of such notice provided he gives written notice of such appeal and 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 such costs to be recoverable as a civil debt. Notice of the right to appeal shall be contained in or endorsed on every notice served under this Section.

53. 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 flag asphalt concrete or pave such court yard or passage or part thereof and make a drain

Courts to be flagged.

through or along the same or such part thereof as the Corporation require and keep such flagging asphaltting concreting or paving and drain in good repair. And if such owner or owners for one month after notice in writing from the Corporation fail in any respect to comply with this provision 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 summarily.

Saving for
Railway
buildings.

54. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a Railway Company as a part of or in connection with their Railway under any Act of Parliament.

PART V.—SEWERS AND DRAINS.

Corporation
may require
enlarged sewer.

55. 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 order houses
&c. to be drained
by a combined
drain.

56. (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 sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises 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 decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and 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.

(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.

(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 them.

57. The powers given by Section 19 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.

Amendment of
Section 19 of
Public Health
Acts Amendment
Act 1890.

58. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a Court of Summary Jurisdiction.

Power to lay
drains in private
streets.

59. If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Corporation
may make
communication
between drains
and sewers.

60. (1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of

Reconstruction
of drains.

50 *The Weymouth and Melcombe Regis Corporation Act 1914.*

the Corporation except in accordance with the provisions of the by-laws of the Corporation relating to the drainage of existing buildings.

(2) Any person offending against the provisions of this Section shall be liable to a penalty not exceeding five pounds and to a 5 daily penalty not exceeding forty shillings.

Notice of
intention to
repair drains.

61. (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 Surveyor twenty-four hours' previous notice in writing of his intention to do so except in case 10 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 Surveyor or any officer of the Corporation 15 authorised in writing by the Town Clerk for the purpose of inspection.

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

Power to
reconstruct drain
if laid in contra-
vention of Public
Health Act 1875.

62. Where any person has been convicted of causing any 20 drain to be constructed in contravention of Section 25 of "The Public Health Act 1875" the Court may in addition to imposing a penalty under that Section order that the drain shall be laid relaid or amended or remade as the case may require in accordance with the provisions of that Section and if such person shall 25 not comply with the order within one month after the date thereof the Corporation may cause the drain in respect of which such conviction has been obtained to be laid relaid or amended or remade as the case may require and may recover from such person in a summary manner as a civil debt the expenses incurred 30 by them in so doing.

Improper
construction or
repair of water-
closet or drain.

63. (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 35 due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

The Weymouth and Melcombe Regis Corporation Act 1914. 51

(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 5 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 10 the said other person may be summarily convicted of the offence.

64. (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 15 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 20 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.

65. If any person causes any drain watercloset earth 25 closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus 30 pipe or work he shall be liable to a penalty not exceeding five pounds. Provided that nothing in this Section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Wilful damage
to drains water-
closets &c.

PART VI.—WATERCOURSES.

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

66. (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 hereinafter provided require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing into any such watercourse.

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 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.

(4) Nothing in this Section contained shall apply to any culvert or covering constructed or to be constructed by any Railway Company under any express statutory provision.

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

67. 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.

68. If in the opinion of the Corporation any watercourse or ditch in the Borough situate upon land laid out for building or on which any such land abuts requires in the interests of the health of the inhabitants of the Borough to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner of such land before any building is commenced or proceeded with to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch a pipe drain or culvert with all necessary shoots and means of conveying surface water thereinto. All works required by the Corporation to be done under this Section shall be completed to the satisfaction of the Surveyor before any building operations on such land are proceeded with. Any person who shall be guilty of any act or omission in contravention of the provisions of this Section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to covering
in of ditches &c.

Provided that nothing in this Section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land laid out for building without the consent of such person save and except in the case of an owner of land already laid out for building in which case no consent shall be necessary.

PART VII.—INFECTIOUS DISEASE.

Power to
require names of
laundrymen to
whom clothes &c.
from infected
houses are sent.

69. If the Medical Officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by Section 3 of "The Infectious Disease (Notification) Act 1889" to send a notice of the case of infectious disease for 5 the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly. 10

Any person who shall fail to comply with a requisition under this Section shall be liable to a penalty not exceeding five pounds.

Compensation
to persons
ceasing
employment.

70. If any person shall at the request of the Corporation or of the Medical Officer stop his employment for the purpose of 15 preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

PART VIII.—SANITARY.

Defining the
establishing of
an offensive
business.

71. For the purposes of Section 112 (Restriction on 20 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 anew 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 25 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 anew on any premises by reason only that the ownership of 30 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.

72. (1) Any person being a manufacturer of or merchant or dealer in ice-cream or other similar commodity who within 5 the Borough—

For regulating
manufacture and
sale of ice-cream
&c.

(a) Causes or permits ice-cream or any similar commodity 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 10 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 protection of such commodity from 15 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.

20 (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 25 shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) In the event of any cart barrow or other vehicle or stand being in such condition as is likely to render the ice-cream or similar commodity or the materials therein or thereon injurious to 30 health or if the ice-cream or similar commodity or materials are in such a condition as to be unfit for human consumption the Medical Officer may seize and destroy such ice-cream or similar commodity or materials.

(4) Every dealer in ice-cream or other similar commodity 35 vending 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 sub-Section shall be liable to a penalty not exceeding forty shillings.

Inspection of premises of dealer in ice-cream.

73. (1) 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.

(2) 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.

Houses infested with vermin to be cleansed.

74. (1) If the Medical Officer has reasonable cause to suppose that any house is infested with vermin he or the Inspector of Nuisances 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 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 wall paper 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 hereinafter provided) be recoverable 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 enquire 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 the 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.

75. Section 49 (Summary power to provide sinks and drains for buildings) of "The Public Health Acts Amendment Act 1907" shall be construed and have effect as if the expression "building" therein had been "building or tenement."

Extension of Section 49 of Public Health Acts Amendment Act 1907.

76. 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.

Provisions as to houses without water supply.

77. The Corporation may by notice in writing require the owner or occupier of any dwelling-house to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins shall be of such 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 be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings. Provided that this Section

Regulation dustbins.

shall not authorise the Corporation to require the provision of a dustbin in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition.

Prohibition of blowing or inflating carcasses.

78. It shall not be lawful to blow or inflate the carcase 5 or any part of the carcase of any animal slaughtered within or brought into the Borough and any person offending against this enactment or exposing or depositing for sale within the Borough a carcase which is blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings. 10

As to accommodation for cooking and storage of food in tenement houses.

79. If at any time it appears to the Corporation that in any tenement house within the Borough sufficient and suitable accommodation for the cooking and storage of food is not provided for the use of each family occupying such house on the storey or one of the storeys in which are situate the rooms or lodgings 15 in the separate occupation of such family the Corporation may cause notice to be served on the owner of such house requiring him within such reasonable time as may be specified in the notice to provide sufficient and suitable accommodation for the purpose aforesaid and any owner failing to comply with any 20 such requirement within the period prescribed in the notice shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provided that this Section shall not apply to any tenement 25 house used or occupied as such before the passing of this Act.

PART IX.—ELECTRICITY.

As to offices showrooms &c.

80. The Corporation may in connection with and for the purposes of their Electricity Undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations 30 of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

81. (1) The Corporation may subject to the provisions of this Section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lamp-holders motors and other electrical fittings for lighting motive or 5 other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and impose such terms and conditions as may be agreed upon.

(2) The Corporation shall not themselves execute the wiring 10 of private property except between the main of the Corporation and the consumer's meter but they may enter into contracts for the execution of any of the powers of this Section including the wiring of private property provided that the contractor acts independently of the Corporation in the execution of the contract. 15 The Corporation shall not sell any such electrical fittings except through a contractor carrying on his business independently of the Corporation.

(3) Any electrical fittings let for hire under the provisions of this Section shall not be subject to distress or to the landlord's 20 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 as the actual owners thereof.

25 (4) Provided as follows:—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this 30 Section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to Sinking Fund for repayment of moneys so borrowed);

(b) The sums properly chargeable and received by the Corporation in connection with the purposes in this Section mentioned in each year (including interest and Sinking Fund) 35 shall be separately shown in the published accounts of the Electricity Undertaking of the Corporation for that year;

(c) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing

or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

Power to
recover charge
for re-connection.

82. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. 5

Provision of
renewal and
extension funds
for Electricity
Undertaking.

83. The Corporation may out of the net surplus remaining after they shall have applied the revenue of their Electricity Undertaking in manner provided by Section 52 sub-Sections (1) to (5) of "The Weymouth and Melcombe Regis Electric Lighting " Order 1898 " set aside such annual or other sum as they may consider reasonable and from time to time use the same for the purposes of replacement renewal and repair of the buildings plant and apparatus and for the extension and improvement of the Electricity Undertaking. Provided that the total sum so set aside shall not exceed one-tenth of the aggregate capital expenditure of the said Undertaking. Provided further that if the sum so set aside be at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as the reduction happens. 15 20

As to expenses
and receipts.

84. (1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act relating to the supply of electricity and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Corporation under "The Electric Lighting Act 1882 " and not otherwise provided for and the provisions of Section 7 (Expenses of Local Authority) and Section 8 (Power of Local Authority to borrow money) of that Act shall extend and apply accordingly to such expenses. 25 30

(2) Any moneys received by the Corporation under the said provisions of this Part of this Act shall be applied in manner provided by Section 52 (Application of Revenue) of "The Weymouth " and Melcombe Regis Electric Lighting Order 1898." 35

PART X.—FINANCIAL.

85. (1) The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Acts borrow at interest on the following securities and for the following purposes such moneys as they from time to time think requisite for those respective purposes not exceeding the following sums (that is to say) :— Power to borrow.

On the security of the Borough Fund and Borough Rate and the District Fund and General District Rate :— 10

(a) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for the purpose ;

On the security of the Borough Fund and Borough Rate :—

15 (b) For the Work No. 9 by this Act authorised and the acquisition of lands therefor twenty-two thousand two hundred and twenty pounds ;

On the security of the District Fund and General District Rate :—

20 (c) For the other works by this Act authorised and the acquisition of lands therefor thirty-two thousand six hundred pounds.

(2) The Corporation may also with the consent of the Local Government Board borrow on the security of such fund rate or revenue as that Board may prescribe such further money as may be necessary for any of the purposes of this Act.

(3) The provisions of this Section shall not limit the powers conferred upon the Corporation by the Section of this Act whereof the marginal note is "Power to use one form of " mortgage for all purposes." 30

Certain provisions of Public Health Acts not to apply.

86. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under this Act shall not be reckoned and the power of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way 5 restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

87. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject 10 to the provisions of "The Local Loans Act 1875" or partly in one way and partly in another or others. Provided that the provisions contained in the Section of this Act whereof the marginal note is "Sinking Fund" shall apply to Sinking Funds formed for the repayment of moneys borrowed under "The Local Loans Act 15 "1875" instead of the provisions of Section 15 of that Act.

Provisions as to mortgages.

88. The provisions of Sections 236 237 and 238 of "The Public Health Act 1875" with respect to mortgages to be executed by a Local Authority shall (subject to the provisions of the Section of this Act the marginal note of which is "Power to 20 "use one form of mortgage for all purposes") apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act.

Protection of lenders from inquiry.

89. A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any pro- 25 visions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Repayment of borrowed money.

90. All moneys borrowed by the Corporation under the authority of this Act shall be paid off within the periods herein- 30 after respectively mentioned (in this Act referred to as "the "prescribed period") (that is to say):—

As to moneys borrowed for the purpose (a) mentioned in the Section of this Act of which the marginal note is "Power to "borrow" within five years from the passing of this Act; 35

As to moneys borrowed for the purposes (b) and (c) in the said Section mentioned or either of those purposes within forty years from the date or respective dates of borrowing;

and with respect to moneys borrowed by the Corporation under 5 the authority of this Act with the consent of the Local Government Board within such period not exceeding sixty years as that Board may prescribe.

91. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal 10 yearly or half-yearly instalments of principal or of principal and interest combined or by means of a Sinking Fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the Sinking Fund shall be made within twelve months if by 15 yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Mode of payment off of money borrowed.

92. (1) If the Corporation determine to repay by means of a Sinking Fund any moneys borrowed by virtue of this Act such 20 Sinking Fund shall be formed or maintained either—

Sinking Fund.

(a) By payment to the Fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the Sinking Fund is formed. A Sinking Fund so formed is hereinafter called "a 25 "non-accumulating Sinking Fund"; or

(b) By payment to the Fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys 30 for the repayment of which such Sinking Fund is formed. A Sinking Fund so formed is hereinafter called "an accumulating "Sinking Fund."

(2) Every sum paid to a Sinking Fund and in the case of an accumulating Sinking Fund the interest on the investments of the 35 Sinking Fund shall unless applied in repayment of the loan in [5]

respect of which the Sinking Fund is formed be immediately invested in any statutory security the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating Sinking Fund the interest on the investments of the Fund may be applied by the Corporation towards the equal annual payments to the Fund. 5

(4) The Corporation may at any time apply the whole or any part of any Sinking Fund in or towards the discharge of the money for the repayment of which the Fund is formed. Provided that in the case of an accumulating Sinking Fund the Corporation shall pay into the Fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such Sinking Fund so applied if invested at the rate per centum per annum on which the annual payments to the Sinking Fund are based. 15

(5) (a) If and so often as the income of an accumulating Sinking Fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the Fund are based any deficiency shall be made good by the Corporation. 20

(b) If and so often as the income of an accumulating Sinking Fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the Fund are based any such excess may be applied towards such annual payments. 25

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any Sinking Fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act. 30

(7) If it appears to the Corporation at any time that the amount in the Sinking Fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating Sinking Fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the Sinking Fund is formed it shall be the duty of the Corporation to make such increased payments to the Sinking Fund as will cause the Sinking Fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is neces- 40

sary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any Sinking Fund. 5

(9) If the amount in any Sinking Fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating Sinking Fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the Sinking Fund is formed the Corporation may reduce the payments to be made to the Sinking Fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the Sinking Fund is formed. 15

(10) If the amount in any Sinking Fund at any time together with the probable accumulations thereon (in the case of an accumulating Sinking Fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such Sinking Fund until the Local Government Board shall otherwise direct. 25

(11) Any surplus of any Sinking Fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

93. (1) The Borough Accountant shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a Sinking Fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and not raised by the issue of Corporation Stock and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be 35

Return to Local Government Board as to repayment of debt.

respect of which the Sinking Fund is formed be immediately invested in any statutory security the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating Sinking Fund the interest on the investments of the Fund may be applied by the Corporation towards the equal annual payments to the Fund.

(4) The Corporation may at any time apply the whole or any part of any Sinking Fund in or towards the discharge of the money for the repayment of which the Fund is formed. Provided that in the case of an accumulating Sinking Fund the Corporation shall pay into the Fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such Sinking Fund so applied if invested at the rate per centum per annum on which the annual payments to the Sinking Fund are based.

(5) (a) If and so often as the income of an accumulating Sinking Fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the Fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating Sinking Fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the Fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any Sinking Fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the Sinking Fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating Sinking Fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the Sinking Fund is formed it shall be the duty of the Corporation to make such increased payments to the Sinking Fund as will cause the Sinking Fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is neces-

sary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any Sinking Fund.

(9) If the amount in any Sinking Fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating Sinking Fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the Sinking Fund is formed the Corporation may reduce the payments to be made to the Sinking Fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the Sinking Fund is formed.

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

(11) Any surplus of any Sinking Fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

93. (1) The Borough Accountant shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a Sinking Fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and not raised by the issue of Corporation Stock and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be

Return to
Local Govern-
ment Board as
to repayment
of debt.

prescribed by that Board and if required by that Board verified by statutory declaration of the Borough Accountant showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the Sinking Fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the Sinking Fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such a return the Borough Accountant shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set aside any sum required for any Sinking Fund (whether such instalment or annual payment or sum is required by this Act or the Act in pursuance of which the money is raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any Sinking Fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Amendment of
Sec. 143 of Act
of 1887.

94. From and after the passing of this Act Section 143 (Annual return to Local Government Board) of the Act of 1887 shall be read and have effect as if the Borough Accountant were therein referred to instead of the Treasurer.

95. (1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a Receiver.

(2) The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a Receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a Receiver shall be made to the High Court.

96. (1) The Corporation shall have power—

Power to
re-borrow.

(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.

(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 prescribed period 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.

(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

[5]

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to use
Sinking Fund
instead of
borrowing.

97. (1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a Sinking Fund as shall be available for the repayment of— 5 10

(a) a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in 15 exercise of a particular borrowing power specified therein ; or

(b) moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the Section of this Act whereof the marginal note is "Power to use one form of 20 "mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this Section shall—

(a) withdraw from the Sinking Fund a sum equal to the 25 amount of the statutory borrowing power proposed to be exercised by the user of moneys from such Sinking Fund ;

(b) credit such Sinking Fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the 30 Sinking Fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the Sinking Fund ;

(c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal 35 moneys equal to the sum withdrawn from such Sinking Fund

and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised 5 under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this Section shall not apply to any Sinking Fund formed under "The Local Loans Act 1875."

(4) The Corporation shall furnish all such information (if 10 any) to the Local Government Board with regard to the exercise of the powers contained in this Section as that Board shall require.

98. (1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of 15 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 place of payment and shall be 20 sealed with the common seal of the Corporation and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this Section shall rank equally without any priority or preference by reason of any 25 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 30 indifferently upon all the revenues of the Corporation.

(5) Nothing in this Section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the principal sums and interest secured by mortgages granted under this Section and all such sums and interest shall be paid 35 within the periods by the means and out of the funds rates or revenues within by and out of which they would have been payable respectively if this Section had not been enacted.

(6) There shall be kept at the office of the Corporation a

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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 5 during office hours at the said office without fee or reward and the Town Clerk or other person having the custody of the same and refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage 10 granted under this Section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect. 15

(8) There shall be kept at the Town Clerk's office a register of the transfer of mortgages granted under this Section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the 20 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 25 responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his 30 estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the Town Clerk wilfully neglects or refuses to make 35 in the register any entry by this Section required to be made he shall be liable to a penalty not exceeding twenty pounds.

As to
temporary
borrowing.

99. (1) The Corporation may from time to time for the purpose of providing temporarily for any current expenses that

may be incurred by them in the execution of any Act of Parliament or Provisional Order confirmed by or under any Act of Parliament borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any 5 person and in either case at such rate of interest as they may determine such sum as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one-fourth of the total aggregate amount of the before-mentioned expenses for the immediately preceding financial year.

10 (2) Any amount borrowed under this Section together with the interest thereon shall form a charge upon all the funds properties rates and revenues of the Corporation *pari passu* with all other mortgages Stock or other securities affecting the same.

(3) It shall also be lawful for the Corporation to utilise for 15 providing temporarily for any such expenses any Sinking Funds which they may have on hand crediting the said Sinking Funds with such fair rate of interest not being less than three per centum per annum as they may resolve.

(4) All sums borrowed by the Corporation under this Section 20 in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Corporation in respect of such year.

(5) When the Corporation borrow money under this Section—

25 (a) The Borough Accountant shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this Section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require ;

30 (b) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this Section have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to 35 comply with the requirements of this Section that Board may by Order suspend the operation of the powers of this Section for such period as they may think fit.

(6) The provisions of this Section limiting the amount of the sums which the Corporation may borrow and the provisions of

sub-Section (4) of this Section requiring the repayment thereof out of the revenue referred to in that sub-Section shall not affect any lender or his security for the loan or overdraft and the interest thereon respectively or his right to obtain payment thereof from the Corporation.

(7) The provisions of this Section shall cease to be in force at the expiration of five years from the thirty-first day of March One thousand nine hundred and fifteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of "The Public Health Act 1875" and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this Section as may appear to them to be necessary.

Application of money borrowed.

100. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and (except in the case of money borrowed for current expenses) shall be expended exclusively on works or objects on which Capital may properly be expended.

Incorporating certain Sections of Act of 1887.

101. The following provisions of the Act of 1887 (that is to say):—

Section 101 (Corporation not to regard Trusts); and

Section 102 (Power to borrow under Local Loans Act 1875)

shall extend and apply mutatis mutandis to and in relation to the like matters in this Act.

Payment of expenses under this Act.

102. All expenses incurred by the Corporation in carrying into execution the provisions of this Act except such as are properly payable out of borrowed moneys shall be paid out of the Borough Fund and Borough Rate and the District Fund and General District Rate or other revenues of the Corporation and in such proportions as the Corporation in their discretion having regard to the object of the expenditure may deem proper and all moneys payable to or receivable by the Corporation for or in connection with any purpose of this Act shall be carried to the

account on which the expenses incurred for or in connection with such purpose are charged and any expenditure incurred or any money received for purposes common to two or more accounts may be apportioned by the Corporation between those accounts in such manner as they may deem fit.

103. (1) 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 the re-sale or exchange of or by leasing any lands acquired under the authority 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:—

Proceeds of sale of surplus lands.

(a) 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;

(b) 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.

(2) Any capital moneys received by the Corporation under the Section of this Act of which the marginal note is "Power to retain sell &c. lands" on the sale exchange leasing or disposing of any lands acquired under any local Act other than this Act shall be applied in manner provided by Section 112 (Payment of sale money rents &c. to Loans Fund) of the Act of 1887.

104. (1) From and after the thirty-first day of March One thousand nine hundred and fifteen Sections 25 26 and 27 of "The Municipal Corporations Act 1882" and Section 246 of "The Public Health Act 1875" shall cease to apply to any accounts of the Corporation or of their officers or of the

Audit of accounts.

Treasurer of the Borough but the accounts of the Corporation and their officers and of the Treasurer under any public or private Act of Parliament or otherwise relating to matters dealt with by the Corporation in any capacity and including the accounts of any joint committee and of the officers of any joint committee appointed by the Corporation with the Council of any County or of any other Borough or with a District Council or a Parish Council shall be audited by a District Auditor appointed by the Local Government Board in like manner as accounts of an Urban Authority and their officers are audited under Sections 247 and 250 of "The Public Health Act 1875" and those Sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums as well as all enactments relating to matters incidental to or consequential upon any such accounts or audit shall apply in like manner as if so far as they relate to an audit of the accounts of an Urban Authority and the officers of that Authority they were herein re-enacted with the necessary modifications and accordingly all Burgesses of the Borough and all ratepayers and owners of property in the Borough shall have the like rights and there shall be the same appeal as in the case of that audit. Provided that for the purposes of this Section the First Schedule to "The District Auditors Act 1879" shall be modified in the manner described in the Second Schedule to "The Local Government Act 1888."

(2) Nothing in sub-Section (1) of this Section shall apply to the audit of the accounts of the Corporation for the financial year ending the thirty-first day of March One thousand nine hundred and fifteen and those accounts shall be audited by the elective auditors for the Borough elected in the manner provided by Sections 25 26 and 27 of "The Municipal Corporations Act 1882" as if this Act had not been passed.

Power to apply funds towards expenses of deputations conferences &c.

105. The Corporation may out of the Borough Fund—

(a) Pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion

of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of the said associations or any of them and of purchasing reports and contribute towards the expenses of any such conferences or meetings;

(b) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the Borough and in conferring the honorary freedom of the Borough upon any person under "The Honorary Freedom of Boroughs Act 1885."

106. The Corporation may advertise the advantages and amenities of the Borough as a health resort or watering place by handbooks or leaflets or by the insertion of advertisements in newspapers not published within the Borough or otherwise (with the exception of posters and placards) as they may think fit and may in lieu of carrying to the credit of the Borough Fund the profits (if any) received by them in respect of the year ending on the thirty-first day of March One thousand nine hundred and fourteen or any subsequent year from the letting of chairs tents bathing-machines platform-sites for concerts or sites of stalls for beach-vendors or from the charges for admission to any gardens or enclosures of the Corporation or from the proceeds of sale of programmes apply such profits for the purpose of defraying the expenses incurred by them under this Section and the Corporation shall not be entitled to apply any other moneys for such purpose. Provided that the Corporation shall not in any year expend under the powers of this Section any sum or sums exceeding in the aggregate an amount equivalent to that which would be produced by a rate of one halfpenny in the pound levied on the property in the Borough assessable in that year to the Borough Rate.

Corporation may advertise the Borough.

PART XI.—RATES.

General
District Rate
may be assessed
as Borough Rate.

107. (1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the same manner as a Borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the Borough rate and if any such order be made by the Corporation the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions as to appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in the Borough and such rate may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rate.

Provided that the demand note served upon any railway company for any such rate shall show distinctly on the face of it the respective assessments as well as the actual rates proposed in each case to be levied.

(2) In the event of the Corporation making any order in pursuance of this Section—

(a) Any other rate for the time being leviable or charge for electricity payable to the Corporation may be included with the poor rate (but distinguished therefrom) in any book or books of assessments and in one demand note. The demand note shall be in such form as the Local Government Board may approve;

(b) The overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under "The Public Health Act 1875" and the provisions of Section 2 (In default of distress for non-payment of rates Justices may issue warrant of commitment) of "The Distress for Rates Act 1849" with respect to the recovery and enforcement of the poor rate shall cease to apply. Provided that any provisions limiting the period within which proceedings

must be commenced for the recovery of the general district rate in a Court of Summary Jurisdiction shall not apply to the poor rate.

(3) If any assistant overseer or collector of poor rates is required to perform duties in pursuance of any order made by the Corporation under this Section which are an addition to those which he is required to perform at the date of the passing of this Act the Corporation shall pay him such additional remuneration as in the opinion of the Corporation the circumstances merit or as the Local Government Board may in the event of difference between the Corporation and the officer determine.

(4) The expenses of the overseers in connection with the assessment levying and collection of the general district rate shall be paid out of the District Fund.

108. On an order being made by the Corporation in pursuance of the Section of this Act whereof the marginal note is "General District Rate may be assessed as Borough Rate" the following provisions shall apply and have effect (that is to say):—

Owner may be
rated instead of
occupier in
certain cases.

(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the poor borough and general district rates leviable within the Borough—

(a) Where the rateable value of the property does not exceed ten pounds; or

(b) Where the premises are let in separate apartments; or

(c) Where the rents are collected weekly or monthly.

Provided that where the owner is so rated he shall be entitled to a reduction of one-tenth from the amount of rates paid by him if he shall pay the same within three months after the rate shall have been demanded;

(2) When the Corporation exercise the option under this Section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this Section shall apply within the Borough in substitution

(3) X

for the provisions of Sections 3 4 and 5 of "The Poor Rate Assessment and Collection Act 1869" and subject to and with such substitution as aforesaid the provisions of such Act as amended by "The Local Government Act 1894" shall remain in operation and shall extend and apply to the general district rate (in substitution for the provisions of Section 211 (1) (a) of "The Public Health Act 1875") in like manner as to the poor rate;

(3) Unless and until the Corporation exercise the option given to them by this Section the provisions of Sections 3 4 and 5 of "The Poor Rate Assessment and Collection Act 1869" as amended by "The Local Government Act 1894" shall remain in operation and the provisions of such first-named Act as amended as aforesaid shall extend and apply to the general district rate (in substitution for the provisions of Section 211 (1) (a) of "The Public Health Act 1875") in like manner as to the poor rate.

Appointment
of officers.

109. The Corporation may appoint and remove such officers as they deem necessary to assist the overseers of any parish in the Borough in the discharge of their duties and fix the remuneration to be paid to such officers.

Assistant
overseer and
others to give
security to
Corporation.

110. (1) All officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of the overseers of any parish within the Borough and any assistant overseer appointed by the Corporation shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the District Auditor appointed by the Local Government Board shall report thereon annually to the Corporation and such security shall be deposited with the Corporation and not with the Board of Guardians.

(2) Assistant overseers appointed by the Corporation shall not be required to give security to the Guardians of the Union under Section 61 of "The Poor Law Amendment Act 1844."

PART XII.—MISCELLANEOUS.

111. After the passing of this Act the Pile Pier and the Harbour shall be deemed for all purposes to form one Undertaking and to constitute the Harbour Undertaking and the Harbour revenue shall be applied indiscriminately to all or any of the purposes of the Harbour Undertaking to which moneys received on revenue account are properly applicable.

Pile Pier to be
part of Harbour
Undertaking.

112. The Corporation may if they think fit for the purpose of forming and maintaining a Contingency Fund not exceeding at any time the sum of four thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the Pile Pier or to the Harbour appropriate and set apart (subject to the provisions of this Act as to the application of the Harbour revenue) any amount which they may think fit in any year out of the Harbour revenue and shall either deposit such amount in some Joint Stock Bank to be increased by accumulation in the way of compound interest or invest the same in some statutory security until required for any of the aforesaid purposes.

Contingency
Fund for
Harbour
Undertaking.

113. The Corporation shall apply the Harbour revenue for the purposes and in the order following and not otherwise (that is to say):—

Application of
Harbour revenue.

(1) In paying the expenses properly chargeable to revenue of carrying on managing and maintaining the Harbour Undertaking;

(2) In paying the interest on moneys borrowed for the purposes of the Harbour Undertaking or any part thereof;

(3) In paying the instalments as they become due of any money borrowed for the purposes aforesaid and repayable by instalments;

(4) In providing a Sinking Fund for the repayment of any money borrowed for the purposes aforesaid and not repayable by instalments;

(5) In creating and maintaining if they think fit a contingency fund in manner specified in the Section of this Act of which the marginal note is "Contingency Fund for Harbour Undertaking";

(6) In repaying to the Borough Fund all sums which have at any time been or may at any time hereafter be provided out of that Fund and applied for the purposes of the Harbour Undertaking or any part thereof whether in respect of money borrowed or otherwise so far as such sums shall not have been previously so repaid;

(7) In paying to the Borough Fund such sum (if any) as they may think fit not exceeding in any year ten per centum of the moneys from time to time expended by the Corporation for or in relation to the Harbour Undertaking;

(8) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Corporation in the general improvement of the Harbour Undertaking.

By-laws as to
removal of sand.

114. Subject and without prejudice to the provisions of the Section of this Act of which the marginal note is "Crown rights" the Corporation may make by-laws for preventing the removal of sand or shingle from the sands and foreshore and the provisions of Sections 182 to 185 of "The Public Health Act 1875" shall extend and apply to the making confirmation and enforcement of such by-laws. Provided that the authority for confirming any by-laws made by the Corporation under this Section shall be a Secretary of State and not the Local Government Board. Provided also that no by-laws so made by the Corporation affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Bathing
accommodation.

115. The Corporation may enter into agreements with any persons for the letting to such persons of bathing-machines saloons tents huts or other accommodation provided by the Corporation under the powers of Section 92 of "The Public Health Acts Amendment Act 1907" for the use of persons bathing from the sands and foreshore and by any such agreement may authorise any person with whom the same is made to make such charges as the Corporation may prescribe for the use of such bathing-machines saloons tents huts or other accommodation.

116. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with any refuse destructor provided by them into slabs or blocks of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and appliances as may be required and any such slabs blocks bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the District Fund.

Power to
manufacture
slabs &c. from
destructor refuse.

117. 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 Corporation under this Act or under any general or local Act for the time being in force in the Borough 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 Corporation or to prove any resolution or Order of the Corporation or any resolution order or report of any Committee of the Corporation a Certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the Mayor of the Borough or of the Town Clerk shall be prima 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.

Evidence of
appointments
authority &c.

118. If the 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 Act or under any by-law 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

Penalty on
occupiers refusing
execution of Act.

the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds 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.

In executing works for owner Corporation only liable for negligence.

119. Whenever the Corporation or the Surveyor or other officer of the Corporation under any enactment or by-law for the time being in force within the Borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or such officer or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Expenses may be declared improvement expenses.

120. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of Section 257 of "The Public Health Act 1875."

Authentication and service of notices &c.

121. (1) Where any notice or demand under this Act or under any local Act Provisional Order or by-law for the time being in force within the Borough requires authentication by the Corporation the signature of the Town Clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act

Provisional Order or by-law for the time being in force within the Borough may be served in the same manner as notices under "The Public Health Act 1875" are by Section 267 (Service of notices) 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.

122. The provisions of the following Sections of "The Public Health Act 1875" namely:—

Confirmation of by-laws.

Section 182 (Authentication and alteration of by-laws);

Section 183 (Power to impose penalties on breach of by-laws);

Section 184 (Confirmation of by-laws); and

Section 185 (By-laws to be printed &c.);

so far as they relate to by-laws made by an Urban Sanitary Authority shall (subject to the provisions of the Section of this Act of which the marginal note is "By-laws as to removal of sand") apply to all by-laws made by the Corporation under the powers of this Act.

123. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the Town Clerk.

Consent of Corporation to be in writing.

124. 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 made by a Court of Summary Jurisdiction under the provisions 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.

As to appeal.

Apportionment
of expenses in
case of joint
owners.

125. Where under the provisions of this Act 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 this Act 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.

Recovery of
penalties &c.

126. 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 by-law made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
demands.

127. 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.

Compensation
how to be
determined.

128. 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.

Informations
by whom to be
laid.

129. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by an officer of the Corporation authorised in that behalf or by the Town Clerk.

Judges not
disqualified.

130. 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.

131. The provisions of Section 102 (Power of entry of Local Authority) Section 103 (Penalty for disobedience of order) and Section 235 (Protection of Local Authority and their officers from personal liability) of "The Public Health Act 1875" shall extend and apply to the purposes of Parts IV. V. VI. VII. and VIII. of this Act as if those purposes had been mentioned in the said Sections.

Application of
certain Sections
of Public Health
Act 1875.

132. 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.

Saving for
indictment &c.

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

Inquiries by
Local Govern-
ment Board.

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

134. 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

Powers of Act
cumulative.

no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

135. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with or restrict the use of any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Expenses of Act.

136. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act shall after taxation by the Taxing Officer of the House of Lords or of the House of Commons be paid by the Council out of the Borough Fund or Rate and the District Fund and General District Rate in equal proportions or out of moneys to be borrowed by the Corporation under this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

An Act for repairing or taking down and rebuilding the bridge within the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset (1 Geo. IV. cap. xl).

An Act to amend and enlarge the powers and provisions of several Acts relating to the Harbour and Bridge of the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset (6 Geo. IV. cap. cxvi).

"The Weymouth and Melcombe Regis Markets and Pier Act 1851."

"The Weymouth and Melcombe Regis Markets and Pier Amendment Act 1859."

"The Weymouth and Melcombe Regis Bridge Act 1879."

"The Weymouth and Melcombe Regis Corporation Act 1887."

"The Weymouth Harbour Orders 1893 and 1898."

"The Weymouth and Melcombe Regis Electric Lighting Order 1898."

"The Borough of Weymouth and Melcombe Regis Order 1895."

"The Weymouth and Melcombe Regis Order 1908."

THE SECOND SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	No. of Work.	Numbers on deposited Plans.
Weymouth	Work No. 1	1, 3
Melcombe Regis	Work No. 2	9, 17, 20, 23
" "	Work No. 9	32

THE THIRD SCHEDULE.

FORM OF MORTGAGE.

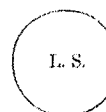
BOROUGH OF WEYMOUTH AND MELCOMBE REGIS.

By virtue of "The Weymouth and Melcombe Regis Corporation Act 1914" and of other their powers in that behalf them enabling the Mayor Aldermen and Burgesses of the Borough of Weymouth and Melcombe Regis (hereinafter referred to as "the Corporation") in consideration of the sum of pounds paid to the Treasurer of the Borough by (hereinafter 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 said 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 said sum of pounds shall be fully paid and satisfied with interest for the same at the rate of per centum per annum from the day of One thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly on the day of and the day in each year. And it is hereby agreed that the said principal sum of pounds shall be repaid at the Municipal Buildings in the said Borough on the day of One thousand nine hundred and [at the expiration of calendar months after the demand thereof by the mortgagee or notice by the Corporation of intention to pay off the same.]

In witness whereof the Corporation have caused their Corporate Seal to be hereunto affixed this day of One thousand nine hundred and

Mayor.

Town Clerk.



Treasurer.

THE THIRD SCHEDULE—continued.

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] of pounds in consideration of the sum of paid to me by of (hereinafter 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 Burgesses of the Borough, of Weymouth and Melcombe Regis bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of One
thousand nine hundred and .

THE WEYMOUTH AND MELCOMBE
REGIS CORPORATION ACT 1914.

A N A C T

To authorise the MAYOR ALDERMEN
and BURGESSES of the BOROUGH of
WEYMOUTH AND MELCOMBE REGIS
to reconstruct the Weymouth Swing
Bridge and the Backwater Bridge and
to make other works upon and to fill
in the Backwater and to confer further
powers upon the Corporation with
respect to the regulation manage-
ment and good government of the
Borough; and for other purposes.

[ROYAL ASSENT, 7TH AUGUST, 1914.]

4 & 5 GEORGE V.—SESSION 1914.

