CHAPTER cx.

An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Barrow-in-Furness to make additional Waterworks and Gasworks and new Streets, and for conferring additional Powers upon them with reference to the raising of money and the improvement of the Borough; and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS the borough of Barrow-in-Furness in the county palatine of Lancaster (in this Act called "the borough") is a municipal borough subject to the Acts relating to municipal corporations, and under the government of the mayor, aldermen, and burgesses of the borough (in this Act called "the Corporation"):

And whereas by "The Barrow-in-Furness Corporation Act, 1868," (in this Act called "the Act of 1868,") the Corporation was authorised to supply with gas and water the borough as then existing and certain adjacent districts, and to purchase the undertaking of "The Furness Gas and Water Company," and to make new waterworks, and to provide market-places, market-houses, and slaughter-houses, and the council of the borough was thereby constituted the burial board of the borough, and provision was thereby made for defining and extending the powers of the Corporation in relation to the improvement of the borough and to police and other matters of local government, and for other purposes:

And whereas by "The Barrow-in-Furness Corporation Extension and Amendment Act, 1872," (in this Act called "the Act of 1872,") the boundaries of the borough were extended, and the borough constituted a separate parish for all civil purposes, and the Act of 1868 as amended by the Act of 1872 made applicable to the borough as so extended, and further powers, privileges, and authorities with respect to gas and street improvements, and otherwise with reference to the improvement and local government of the borough, were thereby conferred upon the Corporation:

A.D. 1873.

And whereas the population of the borough has of late years greatly increased, and is still increasing:

And whereas, in order to enable the Corporation to afford a better and adequate supply of water, it is expedient that further powers be conferred upon them for the construction, maintenance, and management of additional waterworks, and for enabling them to obtain additional sources of supply as by this Act provided:

And whereas it is expedient that the Corporation be empowered to construct additional gasworks, and in connexion therewith to make and maintain a railway siding to connect the gasworks with the Furness Railway:

And whereas it is expedient that the periods limited by the Act of 1868 for the completion of the waterworks by that Act authorised be extended, and that the powers by that Act conferred upon the Corporation for the compulsory purchase of lands for the purposes of that Act be revived:

And whereas the Corporation are desirous, and it is expedient that they be empowered, to make the new streets by this Act authorised:

And whereas the Corporation are desirous, and it is expedient that they be authorised, to erect and maintain buildings proper and convenient for a Town Hall and other corporate purposes:

And whereas, in pursuance of the powers in that behalf conferred upon them, the council have established a burial ground or cemetery, and it is expedient that the provisions of the "Cemeteries Clauses Act, 1847," "with respect to burials in the cemetery," should as far as applicable extend and apply to such burial ground or cemetery and to the Corporation, and that the provision by this Act made with respect to agreements between the Corporation and the vicars, sextons, clerks, and other officers of the parish of Dalton-in-Furness and other ecclesiastical districts be made:

And whereas it is expedient that further borrowing powers and other powers be conferred on the Corporation, and that further and better provision be made for the improvement and good order and government of the borough:

And whereas estimates have been prepared by the Corporation for the purchase of land for and for the execution of the various works by this Act authorised, and such estimates are as follows:—

	£
For waterworks and water supply - -	28,000
For gas purposes and for railway siding -	55,500
For new streets - - - -	33,000
For Town Hall and public buildings - -	25,000

A.D. 1873.

And whereas the several works included in such estimates respectively are permanent works within the meaning of section fifty-seven of the "Local Government Act, 1858:"

And whereas the Corporation also require to raise for general purposes the further sum of ten thousand pounds:

And whereas by the Act of 1872 the Corporation were authorised for the purposes of that Act, relative to gas, to enter upon, take, and use all or any part of the lands described in the schedule to that Act, and upon those lands to erect, maintain, alter, enlarge, and improve or discontinue gasworks, and to borrow and expend in connexion with gas forty-five thousand pounds:

And whereas since the passing of the Act of 1872 a portion of the lands authorised to be acquired by the Corporation under that Act have been taken and used by the Furness Railway Company for the purpose of constructing a road through such lands, and by reason thereof the same are no longer available for the purposes of the Corporation:

And whereas the gasworks to be constructed under the powers of this Act are intended to be in lieu of and in substitution for the gasworks authorised to be constructed by the Act of 1872, and the Corporation are desirous, and it is expedient that they be authorised, to apply to the purposes of the gasworks by this Act authorised the moneys which by the Act of 1872 they are authorised to expend in connexion with the gasworks by that Act authorised:

And whereas an absolute majority of the whole number of the council, at a meeting held on the eleventh day of November, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Barrow, Furness, and North-western Daily Times," a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that it was expedient for the Corporation to promote the Bill for this Act:

And whereas such resolution was published twice in the "Barrow, Furness, and North-western Daily Times," a newspaper circulating in the borough, and has, in respect of matters within the jurisdiction of the Local Government Board, received the approval of that Board, and in respect of other matters the approval of one of Her Majesty's Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the seventh day of February 1873, being not less than fourteen days after the deposit of the Bill in Parliament:

A.D. 1873.

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the "Local Government Act, 1858," for the adoption of that Act, consented to the promotion of the Bill for this Act:

And whereas plans and sections, showing the lines, situations, and levels of the works by this Act authorised, and plans of the lands to be acquired under the powers of the Act, and a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, have been deposited with the clerk of the peace for the county palatine of Lancaster, and are herein-after referred to as the deposited plans, sections, and book of reference:

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

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

Preliminary.

Short title.

1. This Act may be cited as the "Barrow-in-Furness Corporation Act, 1873."

Provisions of general Acts herein named incorporated.

2. The "Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and the "Waterworks Clauses Acts, 1847 and 1863," and the "Gasworks Clauses Act, 1847," (as far as they are applicable for the purposes of and not varied by or inconsistent with this Act,) are hereby incorporated with this Act: Provided that the provisions of the "Waterworks Clauses Act, 1847," and the "Gasworks Clauses Act, 1847," respectively, with respect to the amount of profit to be received by the undertakers, are not incorporated with but are excepted from this Act.

Interpretation of terms.

3. In this Act—

"The borough" means the municipal borough of Barrow-in-Furness:

"The Corporation" means the mayor, aldermen, and burgesses of the borough:

"The council" means the council of the borough:

"The Municipal Corporations Acts" means the Act of the session of the fifth and sixth years of King William the Fourth, "to provide for the regulation of municipal corporations in "England and Wales," and Acts amending the same, or otherwise relating to municipal corporations in England:

"The Corporation's former Acts" means the "Act of 1868" and the "Act of 1872:"

"Owner" includes reputed owner:

"Owner or occupier" used without any specific application in provisions relating to supply of water or gas means owner or occupier of any building or land to which the Corporation are authorised to supply water or gas (as the case may be):

"Water fittings" means communication pipes and other pipes, cocks, cisterns, and other apparatus used or intended for supply of water to a consumer for domestic or other purposes, and for that purpose placed or intended to be placed in or about the building or lands of the consumer:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings; and in this Act, and (for the purposes of this Act) in enactments incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt and not a debt or demand created by statute; and the term "superior courts" shall include any court of competent jurisdiction.

Act to be executed by council.

4. This Act shall be carried into execution by the Corporation acting by the council, and according to the "Municipal Corporations Acts" and other laws for the time being affecting the Corporation, and with all the rights, powers, privileges, and authorities conferred by those Acts and laws on the Corporation, and on the council and committees of the council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the "Municipal Corporations Acts," and as nearly as may be in all respects as if the powers, duty, and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the "Municipal Corporations Acts."

Appointment of committees by council.

5. The council from time to time may appoint out of their own body such and so many committees, consisting of such number of persons as they think fit, for the execution of any of the purposes of their former Acts and this Act which in the opinion of the council would be better regulated and managed by means of such a committee, and may delegate to any such committee such of the powers and duties of the Corporation in relation to the purposes aforesaid as they think fit; and the acts and proceedings of every such committee, within the limits of such delegation, shall be deemed

A.D. 1873.

to be acts and proceedings of the council, and the acts of every such committee shall be submitted to the council for their approval, and the quorum of any such committee shall be such as the council direct; and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and may from time to time remove any members of any such committee and appoint in the stead of them, or any of them, other members of the council.

Water and Gas.

Power for Corporation to make new waterworks.

6. Subject to the provisions of this Act, the Corporation may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the waterworks herein-after described, with all proper embankments, filtering beds, dams, sluices, cuts, channels, stanks, pipes, tanks, engines, buildings, machinery, and other works and conveniences connected therewith; and may take, collect, divert, impound, and appropriate for the purposes of their waterworks undertaking the waters of Pennington Beck and Rath Moss Beck and their tributaries, and also all springs, streams, and watercourses as will or can be intercepted by the waterworks, or which may be found in, on, or under any lands held by the Corporation for the purposes of their waterworks undertaking.

The waterworks herein-before referred to and authorised by this Act are,—

A reservoir, situate wholly in the township and parish of Pennington in the county palatine of Lancaster, on the stream or beck called Pennington Beck, and in certain enclosures of land numbered respectively 404 to 411, both inclusive, and 535 to 540, both inclusive, on the tithe commutation map of the said parish of Pennington:

An aqueduct, tunnel, conduit, or line of pipes, situate wholly in the said township and parish of Pennington, commencing from and out of the reservoir by this Act authorised, and terminating in the existing reservoir of the Corporation known as the Poaka Beck Reservoir.

Limits of lateral deviation.

7. In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof, as shown on the deposited plans, to the extent of the limits of lateral deviation marked thereon, and beyond such limits to any extent which may be agreed on by the owners, lessees, and occupiers of the lands into and through which such deviation shall be required to be made.

Limits of vertical deviation.

8. In the construction of the waterworks authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections, in the case of the reservoir to any extent not exceeding three feet upwards or ten feet downwards, and in the case of other works to any extent not exceeding three feet upwards or seven feet downwards.

Period for completion of waterworks.

9. If the waterworks shown on the deposited plans and authorised by this Act are not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing any work not so completed, or in relation thereto, shall cease to be exercised, except as to any part thereof then completed; but nothing in this section shall restrict the Corporation from extending, enlarging, altering, or removing any of their engines, machinery, mains, or pipes, or improving their supply of water at any time and from time to time as occasion requires.

Power for Corporation to supply water fittings.

10. The Corporation, by agreement with any owner or occupier, may provide new water fittings, or make or alter or add to any existing water fittings, and all such fittings shall be exempt from distress and from execution under any legal process against the owner or occupier, and shall not be disposed of in any manner without the consent of the Corporation, and shall be and remain their property until payment in respect thereof has been duly made, and the amount payable to the Corporation in respect thereof shall be recoverable as water rent is recoverable; and if the same is not paid the Corporation may enter and remove the fittings and discontinue the supply of water to the owner or occupier.

Provision for waste or undue consumption of water.

11. If any person supplied with water by the Corporation wilfully or negligently suffers any water fittings to be out of repair, so that the water supplied to him by the Corporation is wasted or unduly consumed, he shall for every such offence be liable to a penalty not exceeding five pounds, and the Corporation may, without notice, at any time between nine in the morning and four in the afternoon, enter and repair the water fittings so as to prevent waste or undue consumption, and the expenses of such repairs shall be recoverable summarily from the offender, or from the owner or occupier, and the supply of water to the owner or occupier may be shut off by the Corporation until such expenses are paid.

Penalty for interfering with waterworks.

12. If any person, without the consent of the Corporation, shuts or otherwise interferes with any lock, cock, valve, hydrant, engine, or work belonging to the Corporation for waterworks purposes, he shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1873.

Power to make and maintain gasworks.

13. Subject to the provisions of this Act, the Corporation may from time to time, upon the lands described in the schedule to this Act, erect, maintain, alter, enlarge, and improve or discontinue gasworks, buildings, retorts, gasometers, receivers, cisterns, engines, machinery, and apparatus, and may make and store gas, and may manufacture coke and other refuse and products remaining or obtained from making gas, and from materials used in or produced by the making of gas, and may construct, erect, maintain, and provide such works, buildings, machinery, apparatus, and materials, and do all such things as they deem requisite for those purposes, and may, with reference to the gasworks to be erected on the said lands, exercise all the powers expressly or by reference given by the 22nd clause of the "Barrow-in-Furness Corporation Act, 1868," or otherwise given by that Act with reference to gas or to such refuse or products as aforesaid, and generally all the clauses and provisions contained in that Act relative to gas and the refuse and products thereof shall extend and apply to the gasworks erected and the gas manufactured under this Act: Provided that the Corporation shall not, under the powers of this Act or of the Corporation's former Acts, manufacture gas or any residual products and matters producible therefrom except upon the lands described in the schedule to this Act.

Power to make railway siding.

14. Subject to the provisions of this Act, the Corporation may make and maintain, in the line and according to the levels shown upon the deposited plans and sections, the railway siding hereinafter described, with all proper works and conveniences connected therewith; (that is to say,)

A railway siding, two furlongs and three chains or thereabouts in length, wholly situate in the parish and borough of Barrow-in-Furness, commencing by a junction with the railway authorised to be constructed by the "Furness Railway Act, 1872," and firstly described in section five of that Act, and terminating at the gasworks by this Act authorised.

Communications with the Furness Railway.

15. The communications between the railway siding by this Act authorised and the Furness Railway shall be made only at such point thereon, within the limits of deviation, as the Furness Railway Company, in writing under their common seal, approve; and such communication and all works at or near the junction hereby authorised with that railway which may be made for the reception, accommodation, and delivery of the traffic of the Corporation, whether on the land of the Corporation or on the land of the Furness Railway Company, shall be made by the Furness Railway Company at the sole expense of the Corporation, and,

except only so far as the Corporation and the Furness Railway Company otherwise agree, or according to the terms and conditions from time to time agreed upon between them, the same shall be for ever thereafter maintained and kept in good repair by the Furness Railway Company at the expense of the Corporation, and such communication and works shall be made and maintained in such manner and by such means only as shall not in anywise injure or prejudice the railway or the works or property of the Furness Railway Company, or the free and uninterrupted use thereof by that company, or interfere with the traffic thereon: Provided always, that the junction of the railway siding with the Furness Railway shall not, without the consent in writing of the Furness Railway Company under their common seal, be made immediately with the line of the Furness Railway, as shown on the deposited plans of the railway siding, but a proper and sufficient intermediate siding, with all necessary and convenient works in connexion therewith, shall be made and maintained by the Corporation parallel to that line, and a convenient junction between that intermediate siding and that line shall, subject to the provisions of this Act, be made and maintained on such terms and conditions as the Corporation and the Furness Railway Company agree. A.D. 1873.

Land of the Furness Railway Company not to be taken without consent.

16. No land belonging to the Furness Railway Company shall be taken by the Corporation without the consent in writing of the Furness Railway Company under their common seal first had and obtained: Provided always, that the Corporation may purchase and take from the Furness Railway Company, and that company shall, if so required by the Corporation, grant in perpetuity to the Corporation, an easement or right of using for the purposes of the intended junction of the railway siding with the Furness Railway, and for the purpose of the works and conveniences necessary in connexion with that junction, such parts of the lands of the Furness Railway Company as are necessary for those purposes.

Period for completion of railway siding.

17. If the railway siding is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for the completion thereof, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Extending provisions of former Acts to new waterworks and gasworks.

18. Subject to the provisions of this Act, and except as is by this Act otherwise expressly provided, all the clauses and provisions contained in the Corporation's former Acts with reference to waterworks and gasworks, and to the supply of water and gas (as far as they are applicable for the purposes of and are not varied by

A.D. 1873.

or inconsistent with this Act), shall extend and apply to the waterworks and gasworks by this Act authorised and the supply of water and gas therefrom by the Corporation.

Provision as to gas examiners.

19. Any gas examiner appointed under "The Gasworks Clauses Act, 1871," may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any local or road authority; and the provisions of "The Gasworks Clauses Act, 1871," with reference to testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure.

Extension of time for purchase of lands.

20. The powers of the Corporation for the compulsory purchase of lands for the purposes of the Act of 1868 are by this Act revived and extended, and may be exercised within, but shall not be exercised after, the expiration of three years from the passing of this Act.

Extension of time for completion of works.

21. The period limited by the Act of 1868 for the completion of the waterworks by that Act authorised is by this Act extended, and those waterworks may and shall be completed within three years from the passing of this Act; and on the expiration of that period the powers by the Act of 1868 and this Act granted to the Corporation for making those waterworks, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Provisions for securing compensation in water to the Ulverston Water Company.

22. The Ulverston Water Company shall be entitled to take from the reservoir hereby authorised to be constructed as much water as they shall from time to time require for the purposes of their supply, not exceeding in any one day four hundred thousand gallons, in priority to any other place, free from any charge; and they shall also be entitled to take from time to time as the same shall be required for the purposes of their supply a further quantity from the said reservoir not exceeding two hundred thousand gallons per day, upon payment to the Corporation of the sum of fourpence for every one thousand gallons.

Streets.

Power to Corporation to make new streets.

23. Subject to the provisions of this Act, the Corporation may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the new streets herein-after described, with all proper roadways, footways, approaches, drains, culverts, and other works and conveniences connected therewith.

The new streets herein-before referred to and authorised by this Act are,—

A street (No. 1) commencing from and out of and on the south-west side of Duke Street and at the junction of that street with Newland Street, and terminating on the south-west side of the road called the Strand at the junction with that road of the subway or road known as Middle Road:

A street (No. 2) commencing at the junction of Fisher Street with Dalton Road, and terminating by a junction with the street No. 1 by this Act authorised.

Power to deviate from levels, &c.

24. In making the new streets by this Act authorised, the Corporation may deviate to any extent not exceeding five feet from the levels thereof defined on the deposited sections, and may deviate from the lines thereof within the limits of deviation defined on the deposited plans, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which any such deviation is to be made, but not otherwise.

Power to make subsidiary works.

25. Subject to the provisions of this Act and in accordance with the deposited plans and within the limits thereon defined, the Corporation, in connexion with the new streets and as part and for the purposes thereof, may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the new streets, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new streets, or of crossing under or over the same or otherwise, and may remove, alter, divert, stop up, inclose, use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any stream, drain, sewer, watercourse, void ground, or other property shown on the deposited plans, the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer.

Notice to be given of taking of houses of labouring classes.

26. The Corporation shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such house, and the Corporation shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same in manner herein-before required.

A.D. 1873.

Period for completion of new streets.

27. If the new streets by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to stop up streets.

28. Subject to the provisions of this Act, the Corporation may stop up and discontinue Burlington Street, Market Street, Back Newland Street, Newland Street, and Sand Area, and may appropriate to the use of the Corporation the site and soil of the streets so stopped up.

Lands.

Power for Corporation to take lands.

29. Subject to the provisions of this Act, the Corporation may enter on, take, and use all or any part of the lands delineated on the deposited plans and described in the deposited books of reference.

Correction of errors, omissions, &c.

30. If any omission, misstatement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands, described or intended to be described in the deposited plans or book of reference, the Corporation may apply to two justices, not being members of the council, for the correction thereof, after giving ten days notice to the owners of the lands affected by the proposed correction, and if it appears to such justices that the omission, misstatement, or erroneous description arose from mistake they shall certify the same accordingly, stating the particulars of the omission, misstatement, or erroneous description, and such certificate shall be deposited with the clerk of the peace for Lancashire, and shall be kept by him with the other documents to which it relates, and subject and according to the same enactments and provisions as apply to those other documents, and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, hold, and use those lands accordingly.

Power for Corporation to take additional lands by agreement.

31. The Corporation may from time to time purchase by agreement any lands in addition to lands which they are authorised to take by compulsion, and may hold the same, not exceeding in the whole at one time five acres.

Power to take easements, &c. by agreement.

32. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to

lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

33. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

Power to retain, sell, &c. lands.

34. Notwithstanding anything in the "Lands Clauses Consolidation Act, 1845," the Corporation may retain, hold, and use for such time as they think fit, and may from time to time sell, lease, exchange, or otherwise dispose of in such manner, for such consideration, and on such terms and conditions as they think fit, and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form, any lands or any interest in any lands vested in them at the passing of this Act or acquired by them under this Act, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

Reservation of water rights, &c. on sale.

35. On any sale of lands by the Corporation they may reserve to themselves all or any part of the water rights or other easements belonging thereto, and may make the sale subject to such reservations accordingly; and may also make any such sale subject to such other reservation, special conditions, restrictions, and provisions with respect to use of water, exercise of noxious trades, or discharge or deposit of manure, sewage, or other impure matter as they think fit.

Lands in certain cases not to be sold without consent of Local Government Board.

36. Except as to lands acquired by the Corporation under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise for the purposes of this Act, without the approbation of the Local Government Board, signified in writing, after due notice in accordance with the Municipal Corporations Acts, any lands which the Corporation could not have sold, alienated, encumbered, or demised without such approbation before the passing of this Act.

Town Hall.

Power for the Corporation to provide a new Town Hall.

37. The Corporation may, if and when they think fit, on lands in the borough acquired and appropriated by them for the purpose, erect and maintain a Town Hall and offices for the borough, and may from time to time enlarge, add to, and improve the same, and may furnish and fit up the same with all proper furniture and conveniences.

General Powers.

Corporation may pre-

38. The Corporation, before the commencement of any building, may prescribe the line in which any such building fronting on or

A.D. 1873.

towards any street shall be erected, and the same shall be erected only in accordance with the line so prescribed; and where the Corporation require all or any part of the land between the line so prescribed and the street to be added to the street, or if the owner or any other person interested in the building sustains any loss or damage by reason of the building being erected in accordance with the line so prescribed, or by any of his land being so added to the street, the Corporation shall make compensation in that behalf, and, failing agreement, the compensation shall be ascertained and recovered in manner provided by "The Lands Clauses Consolidation Act, 1845," in cases of disputed compensation under that Act.

Power to prescribe line of building.

39. The owner of any land vacant or unbuilt on adjoining to any street or road shall, when required by the Corporation and to their satisfaction, sufficiently fence off the land from the street or road, and shall afterwards keep the fence in good repair to the satisfaction of the Corporation, and if he fails to fence or repair as aforesaid within fourteen days after notice for that purpose given to him by the Corporation, the Corporation may fence or repair (as the case may be) and charge him with the expense of so doing, and may recover the same as damages.

Power for Corporation to require vacant land to be fenced.

40. The provisions of "The Cemeteries Clauses Act, 1847," with respect to burials in the cemetery (so far as the same are applicable and are not varied by or inconsistent with the enactments for the time being in force and applicable to the Corporation as the burial board of the borough), shall extend and apply to the Corporation and to the burial ground or cemetery established by the Corporation; and in construing those provisions in connexion with this Act the word "Company" therein contained shall be deemed to mean and include the Corporation.

Applying provisions of "Cemeteries Clauses Act, 1847," to Corporation.

41. The Corporation and the incumbents, clerks, sextons, and other officers of the parish of Dalton-in-Furness and any ecclesiastical districts in that parish, with the consent of the bishop of the diocese, may from time to time, if and when they respectively think fit, enter into and carry into effect agreements with respect to the payment by the Corporation to any such incumbents, clerks, sextons, and other officers of fixed sums, either annual or in gross, in lieu of and as compensation for any fees which by law are now or which may hereafter become payable to those persons in respect of interments in the burial ground or cemetery of the Corporation.

Provision for agreements between the Corporation and incumbents and parish clerks.

Arbitration.

A.D. 1873.

Mode of referring to arbitration.

42. In case of dispute as to the amount of any compensation to be made under the provisions of the Corporation's former Acts and this Act (except where the mode of determining the same is specially provided for), and in case of any matter which, by the Corporation's former Acts and this Act, is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall appoint an arbitrator to whom the matter shall be referred, and every such appointment when made on behalf of the Corporation shall be under their common seal, and on the behalf of any other party under his hand, or if such party be a corporation aggregate under the common seal thereof; and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same; and after the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such matter shall have arisen, and notice in writing by one party who has himself duly appointed an arbitrator to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fail to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties; and the award of any arbitrator or arbitrators appointed in pursuance of this Act shall be binding, final, and conclusive upon all persons and to all intents and purposes whatsoever.

Provision in case of death of arbitrator.

43. If before the determination of any matter so referred any arbitrator die, or refuse or become incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead, and if he fail so to do for the space of seven days after notice in writing from the other party in that behalf the remaining arbitrator may proceed ex parte; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made; and in case a single arbitrator die or become incapable to act before making of his award, or fail to make his award within twenty-one days after his appointment, or within such extended time (if any) as shall have been duly appointed by him for that purpose, the matter referred to him shall be again referred to arbitration under the provisions of this Act as if no former reference had been made.

A.D. 1873.

Appointment of umpire by the parties.

44. In case there be more than one arbitrator, the arbitrators shall, before they enter upon the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire die or become incapable to act the arbitrators shall forthwith appoint another person in his stead; and in case the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the court of general or quarter sessions shall, on the application of any such party, appoint an umpire, and the award of the umpire shall be binding, final, and conclusive upon all persons and to all intents and purposes whatsoever; and in case the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as shall have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire; and the provisions of this Act with respect to the time for making an award, and with respect to extending the same in the case of a single arbitrator, shall apply to the umpirage.

Time within which award must be made.

45. Provided always, that the time for making an award under this Act shall not be extended beyond the period of three months from the date of the submission or from the day on which the umpire shall have been appointed (as the case may be).

Provisions as to production of documents, costs of reference, and making submission a rule of court.

46. Any arbitrator, arbitrators, or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as they or he think necessary for determining the matters referred, and may examine the parties or their witnesses on oath; and the costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators or of the umpire (in case the matters referred are determined by an umpire under the power herein-before contained in that behalf); and any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts on the application of either party thereto.

Declaration to be made by arbitrator and umpire.

47. Before any arbitrator or umpire shall enter upon any such reference as aforesaid he shall make and subscribe the following declaration before a justice of the peace; (that is to say,)

"I, *A.B.*, do solemnly and sincerely declare that I will faithfully
" and honestly, and to the best of my skill and ability, hear
" and determine the matters referred to me under 'The Barrow-
" in-Furness Corporation Act, 1873.' *A.B.*"

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire shall wilfully act contrary to such declaration, he shall be guilty of a misdemeanor.

Power to justices to determine disputed questions not involving more than twenty pounds.

48. Notwithstanding anything in the Corporation's former Acts and this Act contained, all questions referable to arbitration under the Corporation's former Act and this Act may and shall, when the amount in dispute is less than twenty pounds, be determined before two justices in a summary manner; but in the case of any claim by the Corporation the justices may, if they think fit, require that the work in respect of which the claim is made, and the particulars of the claim, be reported on to them by any competent surveyor, not being the surveyor of the Corporation, and the justices may determine the amount of costs incurred on that behalf, and by whom such costs or any part of them shall be paid.

Borrowing Powers.

Borrowing powers.

49. The Corporation may from time to time, in addition to the sums which by the Corporation's former Acts they were authorised to borrow for the purposes of those Acts, borrow at interest on the security of the borough fund and any other estates and property for the time being of the Corporation, or any or either of them, or any part or parts thereof respectively, any further sum not exceeding in the whole the sum of one hundred and six thousand five hundred pounds, and may mortgage the said borough fund, estates, and property, or any or either of them, or any part or parts thereof respectively, to secure repayment of such further sums respectively, with interest accordingly; and all the clauses of the Act of 1868 relating to the borrowing powers of the Corporation, except clause two hundred and twenty-one, and section four of clause two hundred and twenty-eight, shall extend and be applicable to the borrowing of such further sums respectively as aforesaid.

Limitation as to expenditure of money borrowed.

50. The Corporation shall not, out of the money borrowed by them under this Act, expend more than the respective amounts following in connexion with the following purposes; (namely,)

	£
In connexion with water - -	- 28,000
In connexion with gas and railway siding	- 10,500
In connexion with new streets -	- 33,000
In connexion with Town Hall - -	- 25,000
In connexion with general purposes -	- 10,000

Provided that the Corporation may apply to the purpose of this Act, in connexion with gas, the sum of forty-five thousand pounds which by the Act of 1872 they are authorised to expend in connexion with gas out of the money authorised to be borrowed by them under that Act.

A.D. 1873.

Money borrowed to be carried to separate accounts.

51. All moneys borrowed by the Corporation under this Act for the respective purposes aforesaid shall be carried to separate accounts, and shall be applied for the purposes for which they are by this Act authorised to be applied.

Providing for a sinking fund.

52. In order to discharge the principal money borrowed under this Act the Corporation shall every year appropriate out of the borough fund a sum equal to one seventy-fifth part of the sums borrowed and remaining unpaid for a sinking fund, to be from time to time invested in the purchase of Exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise until the same is of sufficient amount to pay off the principal debts, or some part thereof which the Corporation think ought then to be paid off, at which time the same shall be so applied in paying off such debts.

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

53. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

Existing mortgages to have priority.

54. All mortgages granted by the Corporation prior to the passing of this Act, and which shall be in force at the time of the passing of this Act, shall, during the continuance thereof, and as to the rates or property comprised therein, have priority over all mortgages to be granted by virtue of this Act.

A.D. 1873.

Priority of mortgages under this Act.

55. All moneys borrowed by the Corporation on mortgage under the provisions of this Act shall have priority against the Corporation and their property from time to time over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Corporation in respect of any rent-charge granted or to be granted by them in pursuance of the "Lands Clauses Consolidation Act, 1845," or the "Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained affect any claim for land taken, used, or occupied by the Corporation for the purposes of their works or injuriously affected by the construction thereof or by the exercise of any powers conferred on them.

Saving general rights of Corporation.

56. Except as is by this Act otherwise expressly provided, nothing in this Act shall take away or abridge any right, power, or authority which the Corporation have or may enjoy under the Municipal Corporations Acts or the Corporation's former Acts or otherwise independently of this Act.

Corporation not to be exempt from Sanitary Acts.

57. Nothing in this Act contained shall exempt the Corporation from any of the provisions of the Sanitary Acts as defined by "The Public Health Act, 1872."

Expenses of Act.

58. All the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Corporation, and shall be paid by them out of the borough fund or out of the moneys to be borrowed under the powers of this Act.

A.D. 1873.

The SCHEDULE referred to in the foregoing Act.

Lands to be acquired under the foregoing Act.

Certain lands situate in the parish and borough of Barrow-in-Furness in the county palatine of Lancaster, containing by estimation thirty acres or thereabouts, and being on the north side of and adjoining or near to the new road now in course of construction leading from Barrow-in-Furness aforesaid to Salthouse, and from thence to Roose and Roosecote, portions of which lands are distinguished on the tithe commutation map of the parish of Dalton-in-Furness with the Nos. 121, 122, 123, 157, 160, 161, 162, 163, 164, 165, 166, 185, 189, 190, 191, 192, 193, and 195 respectively, and the remaining portion thereof was formerly foreshore or sands.

Lands belonging or reputed to belong to the Corporation.

All that piece of land situate at Barrow-in-Furness, containing by estimation one acre two roods and twenty-two perches or thereabouts, bounded on the south-west by a road lying between the said land and the line of the Furness Railway, on the south by an iron foundry and premises in the occupation of Messrs. Waddington & Longbottom, and on the north-east and north-west by a ropewalk in the occupation of Henry Stuart.

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