# CHAPTER cxxi.

An Act to extend the boundary of the Borough of Barrow-in-Furness to empower the Mayor Aldermen and Burgesses of the Borough to make tramways and new streets to confer further borrowing powers to make better provision for the good government of the Borough and for other purposes. [18th July 1881.] A.D. 1881.

WHEREAS the borough of Barrow-in-Furness in the county of Lancaster is a municipal borough under the government of the Mayor Aldermen and Burgesses (in this Act called the Corporation) of the borough.

And whereas the Corporation by the council are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority and they also have divers powers under the following Local Acts which are in force within the borough that is to say:

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| The Barrow-in-Furness Corporation Act 1868 | 31 & 32 Vict. c. civ. |
| The Barrow-in-Furness Corporation Extension and Amendment Act 1872 | 35 & 36 Vict. c. cxiii. |
| The Barrow-in-Furness Corporation Act 1873 | 36 & 37 Vict. c. cx. |
| The Barrow-in-Furness Corporation Act 1875 | 38 & 39 Vict. c. cciv. |

which Acts are in this Act severally referred to as the Act of the year in which it was passed and are collectively referred to as the recited Acts:

And whereas by an order of the Local Government Board dated the first day of May one thousand eight hundred and seventy-eight certain parts of the chapelry of Rampside in the parish of Dalton were amalgamated with the parish of Barrow-in-Furness (which before that order was co-extensive with the existing borough) and it is expedient that the existing borough should be extended so as to include the whole of the parish:

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And whereas it is expedient that the Corporation be authorised to make the new roads and streets in this Act described:

And whereas it is expedient that the Corporation be authorised to construct lay down and maintain within the borough the tramways in this Act described:

And whereas it is expedient that the Corporation be authorised to raise further money by borrowing and that further provision be made in relation to their borrowing powers:

And whereas the Corporation are the owners of the gas and water undertakings of the borough and it is expedient that the powers of the Corporation in relation thereto be enlarged and that they be empowered to provide and supply light by means of electricity:

And whereas it is expedient that the Corporation be empowered to acquire lands for sewage and other purposes and that the powers of the Corporation respecting the sanitary condition of the borough and other matters of local management and various provisions of the recited Acts be in divers respects extended and amended:

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

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

And whereas estimates have been prepared by the Corporation for the purchase of land and for the execution of the works and for other the purposes by this Act authorised and such estimates are as follows (that is to say):

For new streets and street improvements fifty-nine thousand five hundred pounds.

For tramways thirty-five thousand pounds.

For sewage lands sewers and works twenty-five thousand pounds.

For providing electric lighting twenty thousand pounds.

For cattle-market and slaughter-houses twenty thousand pounds.

For municipal offices fifty thousand pounds.

For police stations five thousand pounds.

For purchase and laying out of recreation grounds five thousand pounds.

For depôts for stores refuse and ashes and stables twelve thousand pounds. A.D. 1881.

For lands buildings plant and works of a permanent nature for general purposes fifteen thousand pounds.

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875: 38 & 39 Vict. c. 55.

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

And whereas that resolution was published twice in the Vulcan a newspaper circulating in the borough and has received the approval of the Local Government Board:

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

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

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

## I.—Preliminary.

**1.** This Act may be cited as the Barrow-in-Furness Corporation Act 1881. Short title.

**2.** The following enactments (so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) Incorporation of general Acts.

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are hereby incorporated with and shall form part of this Act (that is to say):

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 33 & 34 Vict. c. 78.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 (in this Act referred to as the Lands Clauses Acts)

Section 3 (interpretation of terms), section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870.

Interpretation of terms.

**3.** In this Act "the existing borough" and "the existing sanitary district" mean respectively the borough and the urban sanitary district of Barrow-in-Furness as existing at the passing of this Act and "the borough" and "the sanitary district" mean respectively the borough and the urban sanitary district of Barrow-in-Furness as extended by this Act.

In this Act "the council" "the mayor" "the town clerk" "the treasurer" "the medical officer of health" "the borough surveyor" "the borough fund" "the borough rate" "the watch committee" and "a constable" mean respectively the council the mayor the town clerk the treasurer the medical officer of health the borough surveyor the borough fund the borough rate the watch committee of the borough and a constable belonging to any police force having authority within the borough.

In this Act the word "street" shall include court as defined by the Act of 1868 and the expression "new street" means a new street in the borough laid out after the passing of this Act and "new house" and "new building" mean respectively a house or building in the borough the erection whereof is begun after the passing of this Act and the several words and expressions to which meanings are assigned by the recited Acts have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction.

5 & 6 Will. 4. c. 76.

In this Act "the Municipal Corporations Acts" means the Municipal Corporation Act 1835 and any Acts for the time being in force amending the same or otherwise relating to municipal corporations in England.

In this Act "the Public Health Acts" means the Public Health Act 1875 and all Acts for the time being in force amending or extending the same.

In this Act and for purposes thereof in enactments incorporated therewith "court of competent jurisdiction" means such a court as would have jurisdiction if the debt or demand with respect to which that expression is used were a common simple contract debt and not a debt or demand created by statute and "superior courts" includes any court of competent jurisdiction.

Execution of Act.

**4.** This Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts the Public Health Acts and the recited Acts and other laws for the time being affecting the Corporation as a municipal body and as a sanitary authority respectively 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 Public Health Acts and other Acts and as nearly as may be in all respects as if the powers duties and property vested in imposed on or enjoyed by them by or under this Act were vested in imposed on or enjoyed by them by or under the Municipal Corporations Acts the Public Health Acts and other Acts respectively.

## II.—EXTENSION OF BOROUGH.

Extension of borough.

**5.** On and from the first day of September one thousand eight hundred and eighty-one all those parts of the chapelry of Rampside which are described in the First Schedule to this Act and are shown upon the plan of the borough herein-after in this Act mentioned shall be added to the existing borough and the existing sanitary district and be included within and form part of the borough and sanitary district for all purposes whatsoever and shall for all purposes cease to be included in or to form part of any sanitary district other than the sanitary district of the Corporation: Provided nevertheless that the Corporation shall not levy any borough rate within the area by this Act added to the existing borough until after the thirty-first day of August one thousand eight hundred and eighty-two.

The area by this Act added to the existing borough shall form part of Yarlside ward. For the purposes of any burgess list ward list burgess roll or other list and for all purposes of the qualification of any person to be a burgess and of any right or qualification depending on such qualification and for all purposes in relation to the functions of the mayor aldermen town clerk or other persons or authorities whatsoever relating to municipal elections or to the preparation or revision of lists of municipal electors the said added area shall be deemed to have always formed part of the borough and of Yarlside ward.

Deposit of plan of borough.

**6.** A plan of the borough showing the area by this Act added to the existing borough and the several wards into which the borough is divided signed in duplicate by the Right Honourable

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Lyon Playfair the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred shall within one month from the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office.

Any copy of the plan so deposited with the town clerk certified by him to be a true copy or any extract therefrom certified by him to be true shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Corporation and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Authority &c. of Corporation extended.

**7.** Subject to the provisions of this Act the powers rights privileges authorities and duties of the Corporation as a municipal body under the Municipal Corporation Acts and all Acts and laws for the time being in force affecting the Corporation as a municipal body and of the Corporation acting in the execution of such of the provisions of the recited Acts or of such other Acts as on the first day of November one thousand eight hundred and eighty-one are in force within the existing borough and of the Corporation acting by the council as the sanitary authority for the existing sanitary district and of all officers and servants of the Corporation shall extend to and throughout the borough and the sanitary district and subject to the provisions of this Act all enactments byelaws regulations and orders which on the same day are in force within or applicable to the existing borough and existing sanitary district shall extend and apply to the borough and the sanitary district.

Arrears of highway rates, &c.

**8.** All orders of county justices respecting rates or matters connected therewith made before the passing of this Act shall be executed and all arrears of county police or highway rates made before the passing of this Act shall be collected and recovered in the added area as if this Act had not been passed.

Extension of school board district. 33 & 34 Vict. c. 75.

**9.** For the purposes of the Elementary Education Act 1870 and any Act amending the same the members of the school board for the existing borough who shall be in office on the first day of September one thousand eight hundred and eighty-one shall be deemed to have been elected for the borough and subject to the provisions of the Elementary Education Act 1870 and any Act amending the same all byelaws and orders of the school board made before that day and in force shall apply to the borough.

Borough to continue a separate parish.

**10.** The borough shall constitute a separate and distinct parish under the name of the parish of Barrow-in-Furness for all purposes connected with the relief of the poor the making and collection of all parliamentary and parochial rates taxes impositions and assessments and for all other civil parochial purposes whatsoever and the provisions of section 8 of the Act of 1872 constituting the existing borough a separate parish shall so far as the same are applicable extend and be applicable to the parish hereby constituted. But nothing in this Act contained shall be construed as restricting the power of the Local Government Board at any time hereafter to alter the parish or to add it to any union of parishes in pursuance of the powers vested in them by any general statute in that behalf.

## III.—Gas and Water.

Extension of time for completion of waterworks.

**11.** The period limited by the Act of 1875 for the completion of the waterworks by that Act authorised is by this Act extended and those waterworks may be completed within ten years from the passing of this Act and on the expiration of that period the powers 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.

Supply of gas or water beyond limits in certain cases.

**12.** The Corporation may from time to time contract with any urban or rural sanitary authority or with any other public body or railway company incorporated by Act of Parliament for the supply by the Corporation of gas or water in bulk or otherwise to such authority or body beyond the gas and water limits respectively of the Corporation and may also by agreement with the owner or occupier of any building or lands not within those limits respectively and not within the gas or water limits respectively as defined by any Local Act of Parliament or Provisional Order confirmed by Act of Parliament of any sanitary authority or other public body authorised to supply gas or water or of any gas or water company for the time being authorised to supply gas or water by Act of Parliament or Provisional Order confirmed by Act of Parliament supply gas or water to him from time to time on such terms and conditions and for such period or periods as the Corporation and such sanitary authority public body railway company owner or occupier as the case may be from time to time agree but the Corporation shall not in any case supply water beyond their vater limits so as to interfere with a proper supply for domestic purposes within those limits.

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The Corporation shall when so required by any other sanitary authority sell to such other sanitary authority all pipes fittings and other apparatus exclusively used for the supply of gas or water under this section and belonging to the Corporation and which shall at such time be laid or lie in the district of such sanitary authority together with the benefit of any then existing contract for supply of gas or water at such price and upon and subject to such terms and conditions as may be settled by agreement between the Corporation and such sanitary authority or failing such agreement as may be determined by an arbitrator to be appointed for such purpose by the Local Government Board on the application of either party and after such sale the powers of the Corporation to supply gas or water within the district of such sanitary authority shall cease.

Supply of water to schools &c.

26 & 27 Vict. c. 93.

42 & 43 Vict. c. 49.

**13.** In the case of water supplied for the use of schools boarding-houses workhouses hospitals or other public institutions or to innkeepers alehouse-keepers vintners or other persons for other than domestic purposes as defined in section 12 of the Waterworks Clauses Act 1863 the terms for the supply of water shall be settled by agreement between the Corporation and the persons desirous of having such supply and in default of agreement such terms may be determined on the application of either party by a court of summary jurisdiction in the borough according to the provisions of the Summary Jurisdiction Act 1879 and the court may determine the amount of costs incurred in that behalf and by whom such costs or any part thereof shall be paid.

Amendment of s. 44 of 10 & 11 Vict. c. 17. as to consent of owners of houses.

**14.** Section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Act and the recited Acts have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted therefrom Provided always that any rent for pipes and works paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Prepayment of gas rate in certain cases.

**15.** Where the Corporation deem it necessary so to do it shall be lawful for them to fix the period for the payment for gas supplied at short intervals and to refuse to supply gas unless the estimated cost thereof in such period be prepaid and at the end of each such interval of time the Corporation shall be paid or shall repay any excess or deficiency of money actually payable for gas so supplied and the Corporation shall pay or allow interest after the rate of four pounds per centum per annum on every sum of ten shillings so prepaid during such period of supply.

Power to supply gas for heating purposes.

**16.** The Corporation may on the request of the owner or occupier of any premises within their gas limits supply gas for heating purposes on such premises and may buy or hire and may furnish sell let and lay any pipes stoves apparatus fittings or conveniences for the purposes of this section on such terms and conditions in all respects as may be agreed on between the Corporation and such owner or occupier as aforesaid.

Amendment of sections 37 and 50 of 31 & 32 Vict. c. civ.

**17.** Sections 37 (penalty on persons consuming gas without notice to the Corporation) and 50 (occupier not requiring supply to give notice to Corporation) of the Act of 1868 shall extend to the receiver liquidator or trustee in bankruptcy or liquidation of every gas or water consumer and in default of the notice mentioned in such sections the estate of the bankrupt whose receiver liquidator or trustee shall make such default shall be liable to pay to the Corporation the moneys then due and accruing due in respect of such supply.

Corporation not bound to supply part of dwelling-house with water.

**18.** The Corporation shall not be compelled to supply water to the occupier of any part of a dwelling-house or for any premises occupied with a dwelling-house unless the water rent is paid for the whole of such dwelling-house and premises.

Extension of s. 10 of 36 & 37 Vict. c. cx. to gas fittings.

**19.** Section 10 (power for Corporation to supply water fittings) of the Act of 1873 shall extend and apply to gas fittings.

## IV.—New Streets.

Power to make new streets.

**20.** The Corporation may from time to time execute and maintain in the lines and according to the levels shown on the deposited plans and sections the new roads and streets following (that is to say):

(1.) A new road commencing in Park Road in the borough and terminating near the entrance to Park Farm in the parish of Dalton-in-Furness;

(2.) A new street 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;

(3.) A new road commencing at the junction of Roose Road and Salthouse Lane and terminating at the west end of the Roose railway bridge;

(4.) A new road commencing in the Abbey Road and terminating at the junction of Dane Beck Brow Road with the highway from Salthouse to Dalton;

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(5.) A new road between the highway from Salthouse to Dalton and the new road (4) herein-before mentioned;

with all approaches bridges sewers drains works and conveniences necessary or proper in connexion therewith.

Power to deviate.

**21.** In making the new roads and streets the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards and from the lines shown on the deposited plans to any extent within the limits of deviation marked thereon and beyond those limits with the consent of the owners lessees and occupiers of the lands through which a deviation is made but not otherwise.

Period for completion of street improvements.

**22.** If the new roads and streets are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof 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 &c.

**23.** When and so soon as the Corporation have purchased or acquired all lands and houses abutting on each side of Burlington Street and Back Newland Street or of any court passage or way within the borough which it may be necessary to stop up in connection with the new roads and streets by this Act authorised or any of them the Corporation may stop up and discontinue such streets court passage or way respectively for public traffic and thereupon all public and private rights of way or passage over along or through the same shall be by this Act extinguished and the site and soil thereof shall be by this Act vested in the Corporation.

Protection of Dalton local board.

**24.** In constructing so much of the new road (1) by this Act authorised as lies between the point at which the road crosses the railway of the Furness Railway Company and another point 127 yards measured therefrom in a north-easterly direction the Corporation shall not deviate from the line of such road as shown upon the deposited plans without the consent in writing of the local board for the district of Dalton-in-Furness.

Agreements with the Dalton local board as to contributions towards expenses of new road (1).

**25.** The Corporation and the local board for the district of Dalton-in-Furness in the county of Lancaster may enter into and carry into effect agreements with respect to the construction sewering metalling and channelling of so much of the new road (1) authorised by this Act to be constructed as is situate within the district of the said local board and all moneys expended or contributed by the local board under any such agreement shall be deemed expenses incurred by them under the Public Health Acts.

## V.—Tramways.

Power to make tramways.

**26.** Subject to the provisions of this Act the Corporation may make form lay down and maintain within the borough the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers junctions turntables turnovers crossings passing-places stables carriage-houses sheds works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Act are as follows (that is to say):

Tramway No. 1 one mile seven chains and eighteen yards in length commencing in Walney Road passing along that road Hindpool Road and the Strand and terminating in St. George's Square.

Tramway No. 1 will be a single line except at the places marked on the deposited plans in respect of that tramway *a b c d e f* and *g* where it will be a double line.

Tramway No. 2 six furlongs nine chains and twelve yards in length commencing in Walney Road thence passing along Duke Street and terminating by a junction with tramway No. 1 opposite Ramsden Street.

Tramway No. 2 will be a single line except at the places marked on the deposited plans in respect of that tramway *a b c d* and *e* where it will be a double line.

Tramway No. 3 one mile six furlongs five chains and ten yards in length commencing by a junction with tramway No. 1 at the junction of Hindpool Road with Abbey Road thence passing along Abbey Road and then along and terminating in the new road (4) authorised by this Act.

Tramway No. 3 will be a single line except at the places marked on the deposited plans in respect of that tramway *a b c d e f g h i* and *k* where it will be a double line.

Tramway No. 4 a single line eight chains and sixteen yards in length commencing by a junction with tramway No. 2 opposite to the commencement of the new street (2) authorised by this Act and terminating in that road.

Tramway No. 5 one mile one furlong seven chains and fifteen yards in length commencing by a junction with tramway No. 1 opposite to the railway station in St. George's Square thence along the south-east side of St. George's Square Salthouse Road and Roose Road and then along and terminating in the new road (3) authorised by this Act.

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Tramway No. 5 will be a single line except at the places marked on the deposited plans in respect of that tramway *a b c d e f* and *g* where it will be a double line.

Tramway No. 6 five furlongs three chains and fourteen yards in length commencing by a junction with tramway No. 3 opposite to Rawlinson Street thence passing along that street and terminating by a junction with tramway No. 5 in Salthouse Road.

Tramway No. 6 will be a single line except at the places marked on the deposited plans in respect of that tramway *a b c* and *d* where it will be a double line.

Tramway No. 7 a single line one furlong two chains and eighteen yards in length commencing by a junction with tramway No. 6 thence passing along Ramsden Street and terminating in the proposed Corporation storeyard.

Tramway No. 8 a single line twenty yards in length commencing by a junction with tramway No. 1 in Hindpool Road and terminating in the same road.

Period for completion of tramways.

**27.** If the tramways No. 1, No. 2, No. 6, No. 7 and No. 8 be not completed within three years from the passing of this Act and if the tramways No. 3, No. 4 and No. 5 be not completed within three years from the completion of the roads upon which they are intended to be laid then on the expiration of those periods respectively 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 of the tramways as are then completed.

Inspection by Board of Trade.

**28.** No tramway shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Carriages on tramways may be moved by animal steam or mechanical power.

**29.** The carriages used on the tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by steam power or any mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Second Schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which

they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Penalty for using steam or mechanical power contrary to Act or regulations.

**30.** Any company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the Second Schedule or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also to a daily penalty not exceeding five pounds: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the company or person using steam or any mechanical power on the tramways under the authority of this Act has made default in complying with the provisions of this Act or with any of the regulations set forth in that schedule or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct such company or person to cease to exercise the powers aforesaid and thereupon such company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws as to tramways.

**31.** Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine;

For regulating the emission of smoke or steam from engines used on the tramways;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

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For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties.

**32.** The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act so far as it relates to tramways and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

**33.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the Corporation to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Orders &c. by Board of Trade to be signed.

**34.** All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary to the Board of Trade and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Act.

Penalty for not maintaining rails and road in good condition.

**35.** The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways shall for the time being consist and the substructure upon which such rails rest and if the Corporation at any time fail to comply with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall be subject to a daily penalty not exceeding five pounds and any such penalty ordered to be paid by the Corporation shall be paid to the overseers of the poor of the parish of Barrow and shall be applied by them as moneys raised by a poor rate. In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with such provision or with any of such requirements the Board of Trade may if they think fit direct an inspection by an officer to be

appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Rails of tramways.

**36.** The rails of the tramways shall be such as the Board of Trade may approve.

Further provision as to construction of tramways.

**37.** Before opening or breaking up any road for the purpose of constructing laying down maintaining or renewing any of the tramways the Corporation shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved of by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement: Provided always that the word "materials" in this enactment does not include materials used for paving any part of any street.

Additional crossings &c. may be made where necessary.

**38.** The Corporation may from time to time hereafter in any public street and with the consent of the owners lessees and occupiers thereof in any private street or lands make all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access to any stables or carriage sheds or works of the Corporation or their lessees Provided that in the construction of any such works no rail shall be so laid that a less space than ten feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall by writing under his hand addressed to the Corporation express his objection thereto.

Temporary tramways may be made where necessary.

**39.** Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the Corporation necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may from time to time make or

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construct in the same or any adjacent road and may maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued.

Application of road materials excavated in construction of works.

**40.** Any paving metalling material matters or substances excavated by the Corporation in the construction of their works from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Traffic upon tramways.

**41.** The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels and carriages and trucks adapted for use upon railways may with the consent of the Corporation and subject to such terms and conditions as they shall impose run upon the tramways.

Corporation may use tramways for sanitary purposes.

**42.** The Corporation may at such times and in such manner as they think fit but subject to the byelaws for the time being in force with respect to the tramways use the tramways for the conveyance of scavenging stuff refuse ashes coal building material road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Tolls for passengers.

**43.** The lessees of the Corporation may demand and take for every passenger travelling upon any of the tramways or any part thereof any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile shall be deemed a mile) but the lessees may charge for any less distance than two miles any sum not exceeding twopence.

Tolls for animals goods &c.

**44.** The lessees may demand and take for all animals goods minerals and parcels conveyed upon the tramways any tolls not exceeding the rates per mile following:

For every horse mule or other beast of draught or burden per mile not exceeding threepence;

For every ox cow bull or head of cattle per mile not exceeding threepence;

For every calf pig sheep and small animal per mile not exceeding twopence;

For all coals culm cannel limestone chalk lime slates clay ironstone undressed or scabbled stones for building pitching and paving slag stone salt sand cinders and all undressed materials for the repair of public roads per ton per mile not exceeding threepence;

For all iron pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron wrought iron not

otherwise specifically classed herein and for heavy iron castings (including railway chairs) tiles bricks coke charcoal dung manure and compost per ton per mile not exceeding fourpence;

For all timber or wood per ton per mile not exceeding threepence;

For all sugar grain corn flour hides dye woods earthenware staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile not exceeding fivepence;

For all cotton and other wools drugs manufactured goods and all other wares merchandise fish articles matters or things per ton per mile not exceeding sixpence;

For every carriage of whatever description per mile not exceeding one shilling;

For any parcel not exceeding in weight seven pounds threepence;

For any parcel exceeding seven and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six but not exceeding five hundred pounds in weight any sum.

Regulations as to tolls.

**45.** The lessees may demand and take the following tolls (that is to say):

For animals and goods carried for any less distance than three miles tolls and charges as for three miles;

For a fraction of a mile tolls and charges on animals and goods as for a mile;

For a fraction of a ton tolls according to the numbers of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons any sum per ton not exceeding three shillings;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons any sum.

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And the following regulations shall have effect with respect to the fixing of tolls (that is to say) :—

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity :.

Provided always that articles sent in large aggregate quantities although made up into separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but such term shall apply only to single parcels in separate packages.

Periodical revision of tolls.

**46.** If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the Corporation or by twenty inhabitant ratepayers of the borough that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on any portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

In granting a lease of the tramways or of any portion thereof the Corporation may require that all or any of the tolls or charges shall be limited to such amounts (not exceeding the maximum amount specified in this Act) as the Corporation in such lease specify or may require that all such tolls and charges shall be subject to approval and revision by them from time to time.

Tolls to be inclusive.

**47.** The foregoing tolls and charges shall include all charges which may be made for the use of the tramways and of carriages and for motive power and every other incidental expense.

Use of steam or mechanical power by lessees.

**48.** The lessees under any lease made by the Corporation shall not use steam or any mechanical power on the tramways or any part thereof unless they are authorised to do so by special permission in such lease and the Corporation may with the consent of the Board of Trade and subject to the provisions of this Act attach to such special permission such conditions and restrictions as they may think fit.

Passengers luggage.

**49.** Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage shall be carried by hand and at the risk in all respects of the passenger and so as not to occupy any part of the seat nor to be of a form or description to annoy or inconvenience any other passenger.

User of tramways and tolls thereon when left open to be used by the public.

**50.** The Corporation may from time to time (but subject to the terms of any lease) by resolution declare the tramways or any part thereof to be open to be used by the public and for such periods and during such hours as the Corporation think fit and such user may be either concurrently with the lessees or otherwise and so soon as the Corporation shall have passed such resolution any person or persons may use the tramways or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of the tramways and may demand and take for the like purposes for which tolls are authorised to be taken by this Act any tolls not exceeding the tolls by this Act authorised to be taken for such purposes by any lessee of any tramways.

Tolls if tramways left open to be used by the public.

**51.** If the tramways or any part thereof be left open to be used by the public the Corporation may demand and take from the company or person who shall run any carriage waggon or truck on the tramways or any part thereof the following tolls and charges in respect of such user (namely):—

For every passenger travelling in or upon any of the carriages of such company or person any sum not exceeding one half-penny nor less than one farthing per mile;

For any animals goods minerals and parcels conveyed in or upon the carriages of such company or person any sum or sums not exceeding one half of the tolls or charges herein-before by this Act authorised in respect of such animals goods minerals and parcels so conveyed;

and the Corporation may if they think fit so commute such tolls or charges as that the commuted sum may be as near as possible an equivalent of such tolls and charges.

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Servants of Corporation to ride in carriages &c. free of charge.

**52.** The Company or person so using the tramways or any part thereof left open to be used by the public and their officers and servants shall permit any person duly authorised by the Corporation to ride free of charge for the whole or any part of the journey in or upon each carriage waggon truck or vehicle in or upon which any passengers animals minerals parcels or goods shall be conveyed by such company or person upon the tramways or such part thereof.

Certain provisions of 33 & 34 Vict. c. 78. as to licensees extended to persons using the tramways when open to the public.

**53.** The provisions contained in the following sections of the Tramways Act 1870 (namely)—

Section 36 (in default of payment of tolls licensees carriages may be detained and sold);

Section 37 (licensees to give account of passengers carried by them);

Section 38 (licensees not giving account of passengers carried liable to penalty);

Section 39 (disputes as to amount of toll to be settled by justice); and

Section 40 (owners of carriages liable for damage done by their servants);

shall so far as the same are applicable in this behalf extend and apply mutatis mutandis to the company or person so using the tramways or any part thereof left open to be used by the public and in construing those sections for the purpose aforesaid—

The expression "the licensee" or "licensees" shall mean the company or person so using the tramways or any part thereof;

The expression "passengers" shall include animals goods minerals and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the goods minerals or parcels conveyed; and

The expression "carriage" shall include any waggon truck or vehicle in or upon which such animals goods minerals or parcels shall be conveyed.

Lessees not bound to carry animals goods &c.

**54.** The lessees or any company or person using the tramways shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Provision as to carriage of animals goods &c.

**55.** Animals goods minerals and parcels shall be carried in separate carriages or separate parts of carriages set apart for that purpose Provided that this shall not apply to the carriage of passengers luggage.

Payment of tolls.

**56.** The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the company or person authorised to demand and take such tolls respectively may by notice to be annexed to the list of tolls appoint.

Cheap fares for labouring classes.

**57.** The lessees shall at all times after the opening of the tramways for public traffic run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as the lessees think most convenient for artizans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the lessees for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Provisions as to arbitration. 17 & 18 Vict. c. 125.

**58.** Where under the provisions of the Tramways Act 1870 or this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provision as to general tramway Acts.

**59.** Notwithstanding anything in this Act contained the Corporation and any corporation company or person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon or to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power or any mechanical power by any such general Act as aforesaid.

Power to enter into working agreements with Furness Company.

**60.** Any person or persons using the tramways under the authority of this Act as lessees or licensees on the one hand and the Furness Railway Company on the other hand may with the consent of the Board of Trade from time to time but subject to the provisions of this Act enter into agreements with respect to the receiving from or forwarding to that company any passengers

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animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising from the tramways upon such terms and conditions as may be agreed upon between such person or persons and company.

It shall be lawful for the Corporation from time to time to lease the tramways or any portion thereof to the Furness Railway Company and for that company to take and work the same subject to the provisions of this Act.

## VI.—Sewage.

Sewage lands.

**61.** The Corporation after taking the lands following or any part thereof may subject to the provisions herein-after in this Act contained use the same for the treatment of sewage and in relation thereto they may exercise all the powers conferred by the Public Health Acts upon urban sanitary authorities with reference to receiving storing disinfecting and disposing of sewage. The lands herein-before referred to are—

So much of the lands shown on the deposited plans situate in Rooscote Marsh and numbered 1, 2 and 3 in the parish and borough of Barrow-in-Furness as are bounded on the south-west by the Piel branch railway of the Furness Railway Company and on the north-east by an imaginary straight line drawn at a distance of one hundred yards from and parallel to the said Piel branch railway and on the north-west by an imaginary line drawn at a distance of 20 yards from and parallel with the northern limit of land proposed to be purchased shown on the said deposited plans.

Protection of Duke of Devonshire.

**62.** For the protection of the most Noble William Duke of Devonshire or other the owner or owners for the time being of the lands and hereditaments situate at or near Roose in the county palatine of Lancaster now belonging or reputed to belong to the said Duke of Devonshire (all of whom are herein-after included in the expression the owner) the following provisions shall have effect :—

(*a.*) The Corporation shall to the reasonable satisfaction of the owner plant and keep planted the eastern and north-eastern boundaries of the lands to be acquired by them under the powers of this Act for the treatment of sewage (herein-after referred to as the sewage lands) in order to screen the same from the adjoining land.

(*b.*) The Corporation shall not use the said sewage lands or any part thereof for irrigation purposes but may only use the same for the following purposes namely depositing sewage in tanks

the storing and burning and otherwise converting house refuse and for works necessary for storing the sewage and refuse and for preparing the same for sale.

(*c.*) The before-mentioned tanks shall be placed as near as practicable to the south-western boundary of the sewage lands.

(*d.*) The portion of the said sewage lands lying to the north-west of an imaginary line drawn from a point 100 yards to the south-west of the north-westerly end of the sewage lands and at right angles to the line of the Furness Railway shall not be used for any of the purposes mentioned in sub-section (*b*).

(*e.*) If the Corporation interfere with any drains in on or under the sewage lands they shall before such interference make new drains in lieu thereof to the reasonable satisfaction of the owner and the Corporation shall at all times maintain to the like satisfaction all drains in on or under the sewage lands for the purpose of draining the lands adjoining.

## VII.—Electric Lighting.

Electric lighting.

**63.** With respect to the production and supply of light heat and motive power by means of electricity the following provisions shall have effect (that is to say):

(1.) The expression "place of public resort" means any premises belonging to or used by the Corporation whether as the municipal or as the sanitary authority and any place of public worship railway station dock quay warehouse public garden theatre concert room or public slaughter-house.

(2.) During a period of ten years from the passing of this Act and for the purposes of lighting streets and places of public resort within the borough but for no other purpose the Corporation may produce and supply light by means of electricity and for that purpose exercise any of the powers herein-after in this section mentioned and subject to the provisions herein-after in this section contained (that is to say)—

(I.) For any of the purposes of this section they may use any lands for the time being belonging to them and not by any Act specifically appropriated to any other purpose.

(II.) They may upon any such lands erect and maintain any necessary workshops engine-house store-houses or other buildings necessary for any of the purposes of this section.

(III.) They may manufacture buy or hire and may use and may supply sell or let any machinery steam-engines gas-

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engines or other apparatus (including meters and fittings) necessary for the purposes of this section.

(IV.) Subject to the provisions of this section they may buy any gas or fuel or buy or rent any other motive power and may buy or rent and sell or let any materials or articles necessary for the purposes of this section.

(V.) They may acquire licenses (not being exclusive) for themselves or for any persons companies or corporation licensed or supplied by them for the use of any patented or protected processes inventions machinery apparatus methods materials or other things.

(VI.) They may exercise for the purposes of this section in the whole or any part of the borough as to electric lighting any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to municipal corporations or the Public Health Acts for lighting by oil or gas.

(VII.) They may exercise for the purposes of this section as to electric lighting any of the powers which under the provisions of any Act incorporating the Gasworks Clauses Act 1847 or the Gasworks Clauses Act 1871 might for the purposes of any gas undertaking be exercised by the undertakers.

(VIII.) They may supply by agreement for use in any place or places of public resort light produced by electricity and meters or other fittings or may let meters or other fittings for any of the purposes of this section.

(IX.) They may charge in advance or otherwise for any light engines machines apparatus meters fittings or other things supplied or let under the powers of this section such rents or sums as may from time to time be agreed on and may recover any such rent or sum as a debt in any court of competent jurisdiction.

(X.) Generally they may do all things necessary and incidental to the purposes of this section.

Provisions to extend to heat and motive power.

(3.) The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or motive power by application of the electricity and such application is included in the expression electric lighting.

Expenses to be charged on the borough fund.

(4.) All expenses from time to time incurred by the Corporation in carrying this section into effect shall be charged on and all moneys received by the Corporation under this section shall be carried to the credit of the borough fund.

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Power to borrow money.

(5.) The Corporation may from time to time for the purposes of this section borrow at interest on the security of the borough fund and rate such sum or sums as the Corporation from time to time find requisite not exceeding in the whole the sum of twenty thousand pounds and they may mortgage the said fund and rate as a security for the repayment of money so borrowed with interest accordingly. The provisions of this Act relating to the borrowing reborrowing and repayment of borrowed moneys shall extend and apply mutatis mutandis to the moneys borrowed under the powers of this section except that the period for the repayment of such moneys shall be ten years.

Application of revenue.

(6.) The Corporation shall keep accounts in respect of electric lighting separate from all their other accounts and shall in such accounts distinguish their expenditure on revenue and capital account and shall apply all money from time to time received by them in respect of their electric lighting undertaking except borrowed money and other money received on capital account as follows (that is to say) :

First. In payment of their costs charges and expenses of and incidental to the collecting and recovering of electric lighting rents and charges and of the borrowing of money under this section.

Secondly. In payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking.

Thirdly. In payment of the interest on money borrowed under this section.

Fourthly. In providing the requisite appropriations or payments into the sinking fund under this section.

Fifthly. In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in securities in which they are by this Act authorised to invest sinking funds and accumulating the same at compound interest until the fund so formed amounts to one thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their electric lighting undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter

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be again restored to the sum of one thousand pounds and so from time to time as often as such reduction happens;

And shall carry to the borough fund any balance remaining in any year and the annual proceeds of the reserve fund when amounting to one thousand pounds.

Application of money borrowed.

(7.) The money borrowed under this section shall be applied for the purposes for which it is authorised to be borrowed and generally for objects for which capital money is properly applicable and for no other purposes.

Provision as to Furness Company.

(8.) Nothing in this Act shall authorise the Corporation to exercise any powers as to electric lighting conferred by this Act on any lands or premises of the Furness Railway Company without their consent but such Railway Company and the Corporation may enter into and carry into effect agreements for the supply of such light.

Provision as to general Acts.

(9.) Nothing in this Act shall exempt the Corporation or their electric lighting undertaking from the provisions of any general Act relating to lighting by electricity or other similar means which may be passed in this or any future session of Parliament.

Corporation not to be exempted from proceedings for nuisance.

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

Protection of Postmaster-General.

**64.** With respect to any work for the purpose of the production or supply of light heat or motive power by means of electricity done in pursuance of this Act the following provisions shall have effect:—

1. It shall not be lawful for the Corporation to do any such work whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such work is done within ten yards of any part of a telegraphic line of the Postmaster-General the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course and nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said work.
2. Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by the Board of

Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company. 31 & 32 Vict. c. 119.

3. In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.
4. Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof stating the reason for executing the same without previous notice.
5. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by a work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such work or by any use made of such work.
6. For the purpose of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act, as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted. 41 & 42 Vict. c. 76.

## VIII.—Lands.

Power to take lands referenced.

**65.** Subject to the provisions of this Act the Corporation may enter on purchase take and use such of the lands delineated and described in the deposited plans and book of reference as are required for the purposes of this Act Provided that it shall not be lawful for the Corporation to enter upon purchase take or use either temporarily or permanently any greater quantity of the lands situate in Rooscote Marsh and numbered on the deposited

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plans 1, 2 and 3 in the parish and borough of Barrow-in-Furness and described in section 61 (sewage lands) of this Act than six acres two roods and twenty-four perches in the whole.

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

**66.** And whereas in the construction of the new streets and works hereby authorised it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings described in the Fifth Schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Compensation may be in land or works.

**67.** The Corporation whenever they are by any enactment required to make compensation to any person interested in any lands or buildings may by agreement with such person make such compensation wholly or partly in works or lands.

Correction of errors in deposited plans &c.

**68.** 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 for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to the justices that the omission misstatement or erroneous description arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited (as regards both the county and the parish) as if it had originally formed part of the deposited plans or book of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on purchase take and use the lands to which the certificate relates accordingly.

Taking houses of labouring classes and substituting accommodation.

**69.** The Corporation shall not less than eight weeks before they take fifteen houses or more occupied either wholly or partially by persons belonging to the labouring class 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 houses and shall not take any such houses until they have obtained the certificate of a justice that it it has been proved to his satisfaction that they have so made known their intention; and before taking any such houses the Corporation shall unless they and the persons aforesaid otherwise agree procure sufficient accommodation elsewhere for persons belonging to the labouring classes who will be displaced under the powers of this Act and for that purpose may appropriate any lands for the time being belonging to the Corporation and thereon erect houses and if any question arises as to the sufficiency of the accommodation provided by the Corporation under this section the same shall be determined by a court of summary jurisdiction under section 181 of the Public Health Act 1875.

Period for compulsory purchase of lands.

**70.** The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised as regards lands required for waterworks purposes after the expiration of five years and as regards other lands after the expiration of three years from the passing of this Act.

Power to acquire lands by agreement.

**71.** The Corporation may from time to time for any purpose of this Act for which provision is not otherwise made in this Act purchase by agreement any lands not exceeding five acres in addition to lands which they are authorised to take by compulsion.

Power to take easements &c. by agreement.

**72.** 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 of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses 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.

Power to retain sell &c. lands.

**73.** Notwithstanding anything in the Lands Clauses Acts 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

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in any other form any lands or any interest in any lands 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.

All moneys arising from sales of land or for equality of exchange under this section shall be treated and invested or applied as capital belonging to the borough fund.

Reservation of water rights &c. on sale of lands.

**74.** 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 also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations 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.

Consent of Treasury required to sales.

**75.** Except as to buildings or lands acquired by the Corporation under the Sanitary Acts or 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 Commissioners of Her Majesty's Treasury signified in writing after notice in accordance with the provisions of the Municipal Corporations Acts any buildings or lands which they could not have sold alienated encumbered or demised without that approbation if this Act had not been passed.

Power to make subsidiary works.

**76.** Subject to the provisions of this Act and in accordance with the deposited plans and within the limits of deviation marked thereon 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 or by or contiguous to the new streets and may make diversions widenings or alterations of lines or levels of any existing ways for the purpose of connecting the same with the new streets making compensation in respect thereof according to section 308 of the Public Health Act 1875.

Protection of Furness Company.

**77.** For the protection of the Furness Railway Company (hereinafter in this section called the company) the following provisions shall have effect namely

(*a.*) Notwithstanding anything in this Act contained and except as in this section otherwise expressly provided it shall not be lawful for the Corporation under any of the powers conferred upon them by this Act to enter upon take use or otherwise interfere with either temporarily or permanently any of the

lands works or property of the company unless with the previous consent in writing of the company under their common seal.

'*b*.) With respect to any lands belonging to the company which the Corporation are by this Act authorised to enter upon or interfere with for the purposes of this Act and which shall be necessary for the construction of the works by this Act authorised the Corporation shall not (except by agreement) purchase and take the same but the Corporation may purchase and take and the company may and shall sell and grant accordingly an easement or right of using the same for the purposes of the said works.

(*c*.) The Corporation shall construct the new road No. 1 by this Act authorised from the point of commencement thereof to the point where the same crosses the road numbered on the deposited plans 7 in the parish and borough of Barrow-in-Furness in such line and on such levels within the limits of deviation as shall not in any manner interfere with the construction of the authorised line of the Company between those points.

(*d*.) In constructing the new road No. 1 by this Act authorised the Corporation shall not where the same passes over the railway of the company at Thwaite Flat deviate from the lines thereof as shown on the deposited plans and the bridge to be constructed by the Corporation for carrying such new road over the said railway of the Company shall be made of the height and span shown on the deposited sections.

(*e*.) The new road numbered 3 and the tramway numbered 5 by this Act respectively authorised shall be carried over the dock feeder and stream of the company numbered respectively 13 14 and 15 on the deposited plans in the parish of Barrow by means of culverts to be constructed on the same level and of the same dimensions as the existing culverts which now carry the existing road numbered on the deposited plans 16 in the parish of Barrow over the said dock feeder and stream respectively.

(*f*.) If in constructing the tramway No. 3 by this Act authorised it shall be necessary to alter or interfere with the bridge which now carries the road called or known as the Abbey Road over the railway of the company in the parish of Barrow such alteration or interference and all the works in connexion therewith shall be made and at all times thereafter maintained by and at the expense of the Corporation.

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(*g*.) All the works executed by the Corporation under the provisions of this Act in on over under or affecting any of the lands railways sidings bridges or works of the company shall be done under the superintendence and to the reasonable satisfaction of the engineer for the time being of the company and shall be made only according to plans and sections to be submitted by the Corporation to such engineer and to be reasonably approved of by him in writing under his hand before any of the works are begun. Provided always that such plans and sections shall be approved or disapproved within one month after the same shall have been submitted to such engineer and shall be considered as approved if not disapproved within that time.

(*h*.) The Corporation shall not in the execution maintenance and user of any of the works by this Act authorised in any manner obstruct or interfere with the free uninterrupted and safe user of the railways sidings and works of the company or with any traffic thereon.

(*j*.) If by reason of the execution of any of the works by this Act authorised or any proceedings of the Corporation under the provisions of this Act or the failure of any such works or any act or omission of the Corporation or of their contractors or of any persons in the employ of the Corporation or of their contractors or otherwise any of the railways sidings bridges or other works of the company or any of the passenger or other traffic passing along the same shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do then the company may make good the same and recover the expense thereof with full costs against the Corporation in any court of competent jurisdiction and if any interruption shall be occasioned to the traffic on the railways or sidings of the company by reason of any of the matters or causes aforesaid the Corporation shall on demand pay to the company all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be respectively recoverable with full costs by the company from the Corporation in any court of competent jurisdiction.

(*k*.) If any differences shall at any time arise between the company and the Corporation touching any of the matters

mentioned or referred to in this section such differences shall from time to time on the application of either party be referred to and determined by an arbitrator to be appointed by the Board of Trade and the costs of the arbitration and of the reference shall be in the discretion of the arbitrator.

## IX.—Street Expenses.

"Street expenses."

**78.** The expression "street expenses" shall for the purposes of this Act and the recited Acts mean and include all street expenses as defined by the Act of 1868 and all other expenses at any time incurred by the Corporation for the repayment whereof the owner of the buildings or lands in respect whereof such expenses may have been or may be incurred is liable under any enactment or byelaw or under any agreement with or by reason of any application of such owner.

Recovery of street expenses by sale of lands &c.

**79.** The Corporation shall have the like rights and remedies in relation to any charge that they may have on the building or lands in respect of which street expenses are incurred as if they were mortgagees with power of sale of such building or lands for the amount of such charge.

Powers &c. as to repairs of streets not repairable by inhabitants at large to apply to streets partly so repairable.

**80.** The same proceedings may be taken and the same powers may be exercised under sections 62 to 67 inclusive of the Act of 1868 and under section 91 of the Act of 1875 in respect of any street of which a part is or may be a public footpath and repairable by the inhabitants at large as fully as if the whole of such street was a highway not repairable by the inhabitants at large.

Allowances to owners in apportioning street expenses.

**81.** When the Corporation make an allowance to any owner or owners under section 65 of the Act of 1868 or section 92 of the Act of 1875 the Corporation may in making any apportionment of expenses include in the total of the expenses to be apportioned the amount so allowed in the same way as if the same had been actually expended by them and may make such allowance to any particular owner by way of deduction from the amount which would otherwise be payable by him under the apportionment.

Street expenses may be apportioned according to circumstances.

**82.** The Corporation may from time to time in such manner as having regard to the circumstances of the case they think fit apportion any expenses recoverable under sections 62 to 67 inclusive of the Act of 1868 as amended by this Act between the respective owners of the premises fronting or abutting on the street or part of a street with respect to which the expenses are payable but any person deeming himself aggrieved by the decision of the Corporation may where the principle of apportionment according to the

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frontage of the respective premises is departed from appeal to the Local Government Board under and in accordance with the provisions of section 268 of the Public Health Act 1875 and that Board may alter the apportionments as they may think equitable.

Form of order for sewering paving &c.

**83.** Any notice to be given by the Corporation under section 62 of the Act of 1868 may be in the form contained in the Third Schedule to this Act or to the like effect with such modifications as may be necessary.

Repair of streets at crossings of intersecting streets.

**84.** Where the Corporation under the powers of the Act of 1868 as amended by this Act or under the powers of the Public Health Acts require any street or part thereof to be sewered drained levelled flagged paved macadamised or otherwise made good or completed by or at the expense of the owners of buildings or lands in or abutting on such street or part thereof and such street or part is intersected or crossed by any street repairable by the inhabitants at large the first cost of levelling flagging paving macadamising or otherwise making good or completing so much of the intersecting street as crosses or is crossed by such first-mentioned street or part and also the cost of any manhole required at the junction of any sewer in the intersected street or part with any sewer in the intersecting street shall unless the Corporation otherwise direct be charged apportioned borne and recovered as part of the expense of making good or completing the intersected street or part thereof.

If the intersecting street is not itself a highway repairable by the inhabitants at large all such expenses as in this section mentioned incurred in respect of the place of intersection shall unless the Corporation otherwise direct be divided and apportioned in such manner as the Corporation think just amongst the owners of the buildings or lands in the intersecting and intersected streets on either side to the extent defined by order of the Corporation of the intersections respectively.

For the purposes of this section a street which joins any street shall be deemed to intersect such last-mentioned street whether it is continued across and beyond the other side of such last-mentioned street or not.

Flagging certain footways.

**85.** Whereas in certain streets constructed by the Corporation under sections 62 to 67 inclusive of the Act of 1868 parts only of the footpaths thereof have been flagged and the flagging of the remainder has for the convenience of the owners of the buildings and lands abutting thereon and otherwise been allowed to be postponed: Be it therefore enacted that where in streets constructed

or partially constructed by the Corporation under the sections aforesaid parts only of the footways thereof have been flagged and the flagging of the remainder has been postponed the Corporation may cause the parts of the footways not so flagged to be flagged in such manner as they think fit and the expenses incurred by the Corporation in respect thereof shall be repaid to them by the owners of the buildings and lands abutting in such parts according to the frontage of their respective premises and such expenses shall be recoverable from such owners respectively as street expenses recoverable under section 64 of the Act of 1868.

Corporation may amend apportionments.

**86.** If at any time within three months from the time of notice being given by the Corporation of any apportionment by them of any street expenses under section 64 of the Act of 1868 it be made to appear that such apportionment is inaccurate by reason of a miscalculation of or an error with reference to the frontage of the respective buildings and lands in the street or court the Corporation may revoke the apportionment and make a new apportionment in lieu thereof or (if the inaccuracy affects certain only of the owners chargeable with street expenses) the Corporation may by a supplemental apportionment rectify the inaccuracy in the original apportionments so far as regards the last-mentioned owners. If a new apportionment be so made the original apportionment shall be null and void to all intents and purposes and the new apportionment shall be deemed to be the apportionment referred to in the said section 64 as amended by this Act. In the event of a supplemental apportionment being made as aforesaid the provisions of the said section 64 as amended by this Act shall mutatis mutandis apply to and in the case of the same as if it were an original apportionment. If in any case in which a new or supplemental apportionment is made the Corporation have received from any owner his proportion or any part of his proportion of the street expenses they shall give credit to such owner for the amount so received as against the amount due from him under the new or supplemental apportionment or shall return any surplus to him (but without interest) as soon as the new or supplemental apportionment shall have become binding and conclusive.

Sewers to be constructed to satisfaction of Corporation.

**87.** Where on the report of the borough surveyor it appears to the Corporation that any sewer vested in them by virtue of the Public Health Act or the recited Acts and which shall not have been made by or to the satisfaction of the Corporation is inadequate for the purposes intended or is so constructed as to create

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or be likely to create a nuisance the Corporation may require the owners of the lands and buildings for the use of which such sewer was constructed to reconstruct repair and make good the same to the reasonable satisfaction of the Corporation and sections 62 to 65 inclusive of the Act of 1868 as amended by any of the other recited Acts or this Act shall so far as applicable extend and apply to the works referred to in this section and after the execution of such works the sewers shall be maintained by and at the expense of the Corporation but any person deeming himself aggrieved by the decision of the Corporation may appeal to the Local Government Board under and in accordance with section 268 of the Public Health Act 1875 and the Board in determining such question shall take into consideration the reasonableness of the requirements of the Corporation having regard to all the circumstances of the case.

Disputed apportionments.

**88.** Section 48 (power to justices to determine disputed questions not involving more than twenty pounds) of the Act of 1873 shall not apply to any disputed apportionment of street expenses under section 64 of the Act of 1868.

Corporation may construct streets at request of owners.

**89.** The Corporation may in pursuance of and in addition to their powers under sections 62 to 67 of the Act of 1868 on the request of the owners of the land affected undertake and execute the construction or completion of new or private streets and the freeing from obstruction sewering draining flagging and paving macadamising and otherwise completing thereof and may previous to or upon executing such works as the Corporation shall in every such case elect and determine receive from the owners of lands and premises fronting or abutting on such streets the money required for such construction or completion as estimated fixed or apportioned by the borough surveyor and if such works be executed without previous payment the Corporation may apportion and recover the expenses of executing such works from the said owners of lands and premises fronting or abutting on such streets in the manner directed by the Act of 1868 for the recovery of street expenses.

Corporation may declare a portion of street a highway.

**90.** Whenever any private street or the carriageway or footways only or some portion thereof has been sewered formed paved or otherwise completed to the satisfaction of the Corporation they may by notice to be fixed up in such manner as the Act of 1868 in such cases directs declare the whole or any part or parts of such street as the case may be a highway repairable by the inhabitants at large and such declaration shall apply to so much only of the

said street whether the same be the carriageway or footways as such notice describes notwithstanding anything to the contrary contained in the Act of 1868 or in the Public Health Acts as to declaring private streets highways.

## X.—Streets and Buildings.

Continuations of existing streets to be new streets.

**91.** Every continuation of an existing street shall be deemed a new street and shall unless the Corporation otherwise allow be of the full width at the least of the street of which it shall be a continuation: Provided always that such new street shall in no case be of less width than that specified in section 42 (width of new streets) of the Act of 1875.

Back streets to be laid out.

**92.** Every new street intended as the principal or front access to a continuous line of dwellings shall unless the Corporation otherwise allow have provided and set out in connexion with it one or more back streets twenty feet wide in such manner as to afford access for carts to the back of every house in such continuous line of dwellings in the new street and such back streets shall be kept free from any obstruction and uncovered.

Intersecting streets.

**93.** No new street shall be laid out of more than two hundred yards in length unless there shall be at every interval of two hundred yards of such length an intersecting street: Provided that in any case where this regulation cannot be enforced without considerable sacrifice of property the Corporation shall be at liberty to waive or modify the above requirement as they may deem proper. If such intersecting street is intended only as a back approach to houses and not to have the principal entrance to any house therein or to form the approach to any other street the Corporation shall not be at liberty to require such intersecting street to be more than twenty feet in width.

Covering of spaces between buildings.

**94.** Where at the passing of this Act any open or uncovered or unenclosed space exists between any buildings or walls or between any building and a wall or any space in connexion with any building is under the recited Acts or any byelaw of the Corporation required to be left open or unbuilt upon the covering over of such space with any roof or structure or the enclosing of such space shall be deemed to be a building within the meaning of the recited Acts and all the provisions of the recited Acts or this Act as to notices and plans with respect to new buildings and as to the approval thereof and otherwise in relation thereto shall apply accordingly.

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Ventilation &c. of schoolrooms.

**95.** The Corporation by byelaws under this Act may from time to time provide for the ventilation of any building or room used as a schoolroom and for regulating the number of persons who may be permitted to be assembled in any such building or room having regard to the dimensions thereof: Provided that no such byelaw shall apply to any public elementary school within the meaning of the Elementary Education Acts.

Cross walls and cavity walls &c.

**96.** The cross walls of every new building shall unless the Corporation otherwise allow be constructed of brick stone or other hard and incombustible substance and shall be properly bonded and solidly put together with good mortar or cement to the satisfaction of the Corporation.

All cavity walls shall be bonded together with ties of iron coated with pitch and sand galvanized iron or other material approved of by the Corporation and inserted at distances not exceeding eighteen inches vertically and three feet horizontally and the cavity thoughout shall be of a width not exceeding three inches.

All woodwork intended to form the head of a door frame window frame lintel or other similar structure and inserted in a cavity wall so as to project into or extend across the intervening cavity shall be so protected on the upper side thereof with a layer of sheet lead or other suitable material impervious to moisture in such a manner as the Corporation may approve of as effectually to protect snch woodwork and as far as may be the inner side of the wall from moisture.

Height of rooms.

**97.** Section 68 (height of rooms) of the Act of 1875 shall be read and have effect as if nine feet were in each place substituted for eight feet: Provided that the Corporation may permit any room or rooms to be of the height of not less than eight feet only where they think such height sufficient.

Repeal of s. 95 of 31 & 32 Vict. c. civ.

**98.** Section 95 (measurement of front elevation) of the Act of 1868 is hereby repealed.

Lock-up shops &c. not to be used for habitation.

**99.** Where on the plan of any building as submitted to and approved by the Corporation such building is described or shown as or has been approved only as a lock-up shop workshop shed or place of business and not as a dwelling-house the use of such building or part thereof for the purposes of habitation or the alteration or adaptation thereof for purposes of habitation without fresh approval by the Corporation shall be an offence. Every person so using or altering or adapting such building or permitting the same to be so used altered or adapted shall for every

such offence be liable to a penalty not exceeding forty shillings and to a further like penalty for every day during which such offence shall continue after notice in writing thereof given to him by the Corporation at any time within six months after the discovery by the Corporation that any offence against this section has been or is being committed. It shall be lawful for the mayor for the time being of the borough or his deputy by warrant under his hand to authorise the surveyor inspector of buildings or any other officer of the Corporation at any time to enter upon and examine any building suspected of being misused or of having been altered or adapted as aforesaid. Every person who shall prevent or obstruct any such surveyor inspector or officer so authorised from or in making such inspection shall be liable to a penalty not exceeding forty shillings.

Amendment of s. 100 of 38 & 39 Vict. c. cciv.

**100.** Section 100 of the Act of 1875 shall be construed as if after the words "without giving the notices" there were inserted the words "or without depositing the plans sections drawings and particulars." And the term "new building" in that section shall include the alteration of any existing building.

Waterclosets in flats.

**101.** The owner of every new house or part of a house occupied by a separate family shall provide for such house or part of a house occupied by a separate family wherever practicable and in a position to be approved by the Corporation a sufficient watercloset: Provided always that if in the opinion of the Corporation it is not advisable to introduce water or waterclosets into any new house or part of a house they after a like notice may require the owners thereof to construct on each flat or in some convenient place or places adjacent to such house but in every case in a position approved of by them a sufficient number of waterclosets earth-closets or other conveniences including separate waterclosets earth-closets or other conveniences for the separate use of each sex where the members of more families than one use the same.

Width of common stairs and passages.

**102.** Every common stair in any block of new building intended for the occupation of more than one family shall be constructed at least four feet wide and every common passage in any such building shall be constructed at least four feet wide. If the common passage is more than ten feet in length its width shall be increased by an additional six inches for every ten feet after the first ten feet.

Lines &c. of hoarding &c.

**103.** Where any person puts up in on or adjoining to any street or court any temporary hoard fence platform handrail scaffold post bar rail board or other thing by way of enclosure he shall put the same in such lines and of such height as the Corporation direct and if any person fails to comply in any respect with the require-

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ments of this section he shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every twenty-four hours during which such failure continues after the expiration of twenty-four hours from the service of notice thereof on him by the Corporation.

Power to purchase lands for depôt.

**104.** The Corporation may from time to time purchase by agreement and hold or take at a rent any lands or hereditaments not exceeding four acres for the purpose of storing stones tools building and other materials ashes and other refuse.

Amendment of s. 103 of 31 & 32 Vict. c. civ.

**105.** The amount of any charge or contribution to be paid or made under section 103 of the Act of 1868 in respect of connexion with sewers of the Corporation shall be such as the Corporation think just or as in case of dispute may be settled by arbitration according to the provisions of the Public Health Act with respect to arbitrations and so much of the said section as provides that such amount shall be a sum calculated as there mentioned shall be repealed.

Provisions as to buildings &c. of Furness Company.

**106.** Notwithstanding anything in this Act contained none of the provisions of this part of the Act (sections 91 to 106 both inclusive) shall apply to any buildings (other than dwelling-houses) belonging to the Furness Railway Company and used for the purposes of their undertaking or to any new roads which may from time to time be laid out in or upon any land belonging to that company and situate on Old Barrow Island and used for the purposes of their undertaking.

## XI.—Nuisances and Sanitary Provisions.

Unoccupied premises &c.

**107.** The owners of unoccupied premises in any street or public place shall at all times maintain the same so that they shall not be or become a nuisance to the occupiers of adjoining property or to persons using such street or public place and they shall close or fence off any lands or premises in or near any street or public place which are or may be used in such a manner as to be offensive to public decency.

Amendment of s. 111 of 31 & 32 Vict. c. civ.

**108.** It shall not be compulsory on the Corporation to make provision for any of the matters specified in section 111 (power to appoint or contract with scavengers) of the Act of 1868: Provided that nothing in this section shall affect or interfere with any of their powers or duties under sections 42 to 50 (both inclusive) or under any other provisions of the Public Health Act 1875.

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Amendment of s. 105 of 38 & 39 Vict. c. cciv.

**109.** Section 105 (penalty on sale of meat unfit for human food) of the Act of 1875 shall apply to any carcase meat poultry game flesh fish fruits vegetables corn bread or flour deposited in any place for the purpose of sale or of preparation for sale and intended for the food of man and the proof that any such article was not deposited exposed or offered or in the course of or on its way to slaughtering dressing or preparation for any such purpose or was not intended for the food of man shall rest with the party charged and the justice before whom the offence is proved may at his discretion in lieu of the infliction of a fine imprison the offender for a term of not more than three months. And the justice who is empowered to convict the offender may be either the justice who may have ordered the article to be disposed of or destroyed or any other justice having jurisdiction in the borough.

Provisions with respect to prevention of infection from disease.

**110.** The following provisions for prevention of infection from disease in addition to those contained in the Public Health Acts shall take effect:

(*a.*) The Corporation may from time to time provide temporary shelter or house accommodation for the members of a family in which infectious disease has appeared:

(*b.*) The Corporation may themselves provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease within the borough and may charge any reasonable sum for any nurse provided by them:

(*c.*) The Corporation from time to time may order public or private day schools situate in neighbourhoods affected by infectious disease to be temporarily closed or suspended:

(*d.*) The Corporation may order any shop dairy or other place for the sale or storage of articles of food or drink or clothing or other articles liable to retain infection to be temporarily closed whenever from the appearance of infectious disease in such shop dairy or other place or in rooms in connexion therewith such action appears to the Corporation to be necessary and may take all such means as seem to them desirable for preventing the entrance of the public into such place or of the issue from it of food clothing or other articles:

(*e.*) In case of the existence of any infectious disease in any house wholly or partly within the borough the Corporation may issue an order declaring such house or any rooms therein or part thereof an infected place and forthwith until such order has been determined by another certifying it free from

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infection the following regulations shall in respect of such house or part of a house be observed:

(1.) No person occupying or living in any such house or part of a house shall continue at any indoor occupation which necessitates the handling or touching of any clothing food drink or article likely to retain infection which is intended for sale or for the use of persons belonging to another family:

(2.) No bedding clothing or other articles liable to retain infection shall be removed from such house or part of a house without previous disinfection or without proper precautions (to the satisfaction of the Corporation) for the purpose of being disinfected or destroyed:

Provided always that when the room or rooms occupied by the persons suffering from such disease can be effectually separated and are so separated from the other parts of the same house or building the rooms so occupied only shall be deemed to be affected by such order and regulations.

(*f.*) No person dwelling in any such house or part of a house shall work at any other place in the same room with healthy persons except with the written permission of the medical officer of health and after disinfection of the person and clothing:

(*g.*) No nurse attending on any person suffering from any such infectious disease shall either at the same time or afterwards attend as nurse on any other person unless with the written permission of a registered medical practitioner and after disinfection of the person and clothing of such nurse:

The Corporation shall make compensation to any person who shall have complied with the provisions of this section and who has thereby sustained loss but such compensation shall be in regard only of direct material and pecuniary loss and not in respect of any consequential loss or damage:

And any person who shall wilfully offend against any of the foregoing provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

In this Act the expression "infectious disease" means any of the following diseases (that is to say) smallpox cholera scarlatina diphtheria typhus fever enteric or typhoid fever and puerperal fever.

Notice to be given of persons suffering from infectious diseases.

**111.** In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall have effect that is to say:

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(1.) If any such inmate be suffering from any such disease the occupier or person having the management or control of such building or if the inmate so suffering be himself the occupier then the person in charge of such inmate shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice to the medical officer of health of the existence in such inmate of such disease:

(2.) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person:

(3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate or declaration by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Fourth Schedule to this Act:

(4.) Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and send to the medical officer of health a certificate or declaration stating according to the forms presented and supplied to him by the Corporation the name of such inmate the situation of such building and the name of such occupier or person and the nature of the disease from which such inmate is suffering:

(5.) The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of one shilling and sixpence for every such certificate or declaration.

And any person who shall wilfully and without reasonable cause offend against any of the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to provide hospitals for infectious diseases.

**112.** The Corporation may if they think fit provide within the borough suitable hospitals for the separate reception and treatment and for the isolation of persons suffering from infectious disease. On the certificate of the medical officer of health or other legally qualified medical practitioner that any person within the borough

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is suffering from infectious disease and is without proper lodging or accommodation enabling the case to be properly isolated so as to prevent the spread of the disease or to be properly treated the Corporation may give notice to the head of the family (resident in the same building) to which the person so suffering belongs requiring the removal forthwith of such person to any such hospital as aforesaid or to any place of temporary accommodation provided by them under this Act:

Provided that if there is no such head of the family so resident or if such head of the family is absent from the borough or cannot be found such notice may be given to the person so suffering. Any notice under this section shall be sufficiently given by leaving the same addressed to the person to whom it is given upon the premises in which the person suffering as aforesaid is lying.

If the person to whom such notice is given consents the Corporation may forthwith remove the person so suffering to such hospital or place of accommodation as aforesaid but if the person to whom such notice is given refuses to consent to such removal or to be removed or is by reason of age disease or otherwise incapable of giving such consent any justice may on the application of the Corporation make an order for the removal of the person so suffering to such hospital or place of accommodation as aforesaid. Such order may be addressed to an officer of the Corporation or to any constable of the borough and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding twenty shillings for every day or part of a day during which such disobedience or obstruction continues.

Any expenses incurred by the Corporation in respect of the conveyance of such person to such hospital or place of accommodation and his maintenance and treatment therein may be recovered by the Corporation from such person or from his personal representatives in the event of his death therein or the Corporation may if they see fit themselves defray such expenses or any part thereof.

Corporation may declare other diseases infectious.

**113.** The Corporation may from time to time by resolution made on the report of the medical officer of health and sanctioned by the Local Government Board order that any infectious disease other than those mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the resolution by publishing the same by advertisement in the local

newspapers circulating in the borough and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been given.

Corpses of persons dying in hospital from infectious diseases to be removed only for burial.

**114.** If any person die in any such hospital or place of temporary accommodation as aforesaid from any such infectious disease as aforesaid and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried Any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Disinfection of public conveyances carrying infected corpses.

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

Power to make bye-laws as to infectious diseases.

**116.** The Corporation may make byelaws for the following sanitary purposes :

For regulating the mode of conveyance for the purposes of interment of the body of any person who has died of an infectious disease :

For causing the destruction of articles infected :

For compelling the disinfection of articles and places and prescribing the mode of such disinfection :

For preventing the sale of infected articles :

For giving power of entry for disinfecting purposes :

For preventing the use of public conveyances by persons suffering from infectious diseases :

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For preventing infectious rubbish being thrown into ashpits or ashtubs:

For ensuring the proper flushing of waterclosets and for requiring water to be properly laid on to waterclosets;

and may in and by any such byelaws impose a penalty for every offence not exceeding five pounds and for a continuing offence a penalty not exceeding that sum for every day or part of a day during which the offence continues.

## XII.—Hackney Carriages.

Penalty for non-supply of hackney carriages hired at stables.

**117.** The Corporation may attach to the license of any hackney carriage other than an omnibus a condition that it shall or may be forfeited if the proprietor of such carriage shall without reasonable cause refuse or omit to supply a hackney carriage to or on the order of any person who shall at the stable of such proprietor hire or order to attend at any specified place within the borough a hackney carriage to be driven to such place within the borough as the hirer shall require and for the fare prescribed in that behalf according to the time for and during which such carriage shall be used in accordance with such hiring or order.

Regulation of owners drivers &c.

**118.** Whenever complaint is made to the Corporation that any owner driver or conductor of a public carriage has been guilty of any misconduct in connexion with his calling or has acted contrary to any public or local Act or to any byelaw in force in the borough for the regulation of public carriages and owners drivers and conductors thereof respectively the Corporation may summon such owner driver or conductor before the council or any committee thereof appointing a reasonable time and place for the hearing of such complaint and on such hearing it shall be lawful for the Corporation to suspend the license of such owner driver or conductor for such period as they may think proper or to revoke the same. Every owner driver or conductor acting as such after any such suspension or revocation or failing to attend the council or committee after reasonable notice shall be deemed guilty of an offence and be liable to a penalty not exceeding twenty shillings and a further penalty not exceeding twenty shillings for every day during which such offence shall continue.

## XIII.—Common Stairs and Passages.

Byelaws as to common stairs and passages, &c.

**119.** The Corporation may from time to time provide by byelaws under this Act for the several purposes after mentioned namely:

(1.) For compelling and regulating the lighting (including the extinction of lights) cleansing whitewashing fencing and ventilation of common stairs or passages in buildings inhabited by several families or persons using parts thereof as separate dwelling-houses:

(2.) For prescribing the persons (whether owners or occupiers or any of them) by whom anything required by such byelaws is to be done:

(3.) For providing for the doing by the servants of the Corporation of anything required to be done by such byelaws in case of default by any person required by or under such byelaws to do the same:

(4.) For fixing payments to be made by persons so in default for making good the expense incurred by the Corporation in doing anything under such byelaws.

Any payments due from any person under any such byelaws may be recovered summarily as if the same were penalties recoverable for breach of such byelaws.

Offences in common stairs and passages.

**120.** Any offence against the provisions of any local Act or of any public Act incorporated therewith if committed in any such common stair or passage as in the last section mentioned shall be punishable as if the same were committed in a street.

## XIV.—Licenses.

Hawkers of coal.

**121.** The Corporation may from time to time grant to every such person as they think fit a license to carry on the trade or calling of a hawker of coal and may charge a fee not exceeding five shillings for any such license for twelve months and with respect to such persons and their licenses the Corporation may from time to time make byelaws for all or any of the following purposes namely:

For regulating the applications for such licenses and the form and contents and signature thereof and the registration thereof and of matters relative thereto:

For regulating the duration of every such license and providing for the suspension or revocation thereof by the Corporation:

For securing free access to the Corporation their officers and servants and persons authorised by the Corporation to inspect every book kept by such dealers in pursuance of any enactment to them relating.

License of hawkers of coal may be suspended or revoked.

**122.** Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence

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making it in the opinion of any such justice expedient that such license should be suspended or revoked.

Penalty on unlicensed hawkers of coal.

**123.** If any person after the expiration of one month from the commencement of this Act carries on while unlicensed the business of such a hawker as aforesaid he shall be liable to a penalty not exceeding one pound and to a daily penalty not exceeding ten shillings.

Licenses to marine store dealers.

**124.** A license to be granted after the passing of this Act for carrying on the business of a marine store dealer under the provisions of the Act of 1868 shall specify the premises or part of premises at which such business is to be carried on and the license shall not be deemed to authorise the carrying on of such business in any other premises or in any other part of the same premises.

Any such license granted before the passing of this Act shall not authorise the carrying on of such business in any new premises or part of any premises in which such business is not being carried on at the passing of this Act until a new license is obtained for such new premises or part under the provisions of this section. The Corporation shall not be bound to grant any license under the said Act to any person in respect of any premises which they think unsuitable for the purpose.

Amendment of s. 106 of 38 & 39 Vict. c. cciv. as to keeping swine.

**125.** Every license granted by the Corporation to keep swine under section 106 of the Act of 1868 shall be deemed to be granted in respect of the premises mentioned in such license and for no other place and the Corporation shall not be required to grant a license in respect of any place which in their opinion is unsuitable for the purpose.

## XV.—Police and Local Regulations.

Hawking by children prohibited under certain circumstances.

**126.** No child under the age of ten years shall be employed in vending or exposing for sale any article whatsoever and no child who is above the age of ten years but under the age of fourteen shall be so employed after nine o'clock at night from the 1st April to 1st October and after seven o'clock at night from the 1st October to 1st April.

Every person who takes a child into his employment in contravention of this provision and also every parent or other person standing in loco parentis or having the actual custody of any child who permits any child to be engaged in any such labour on his or its own behalf shall be liable on summary conviction to a penalty not exceeding forty shillings.

Hawking inflammable liquids &c.

**127.** It shall not be lawful for any person to hawk sell or expose for sale any dangerous explosive or inflammable liquid or substance in any street market or market-place within the borough except in shops where such articles may lawfully be sold. Any person hawking or selling any such article contrary to this enactment shall for each offence be liable to a penalty not exceeding ten pounds for every offence.

Regulations as to dogs.

**128.** The following regulations as to dogs shall have effect within the borough namely:

Any constable may take possession of any dog found in any street market or market hall in the borough and not apparently under the control of any person and may detain such dog until the owner has claimed the same and paid all charges and expenses incurred by reason of such detention.

The mayor may issue an order requiring any dog while in the streets and not being led by some person to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and during the currency of any order or public notice issued by the mayor directing dogs to be confined or muzzled any constable may take possession of any dog found in a street without such muzzle and may detain such dog until the owner has claimed it and has provided a proper muzzle for it and has paid all charges and expenses connected with such detention.

Where any dog taken possession of by any constable wears a collar with the address of any person inscribed thereon a letter stating the fact of such dog having been taken possession of shall be sent by the chief constable by post to the address inscribed on the collar.

The chief constable may cause any dog which has remained in the possession of any constable for seven clear days without the owner claiming the same and paying all charges and expenses incurred by its detention to be sold or destroyed.

Any moneys arising from the sale of any dogs beyond satisfying the charges and expenses incurred shall be paid over to the borough treasurer in aid of the borough fund.

Park-keepers &c. may be appointed special constables.

**129.** Any two justices may upon the application of the town clerk from time to time appoint and swear in any person or persons appointed by the Corporation as a keeper or keepers of any public park within the borough or any officer or servant officers or servants of the Corporation employed in or about any public market within the borough or employed in the gas or water service of the Corporation to be a special constable or special constables

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within such park or market as the case may be and within the borough and every person appointed and acting as a special constable under this Act and being either in uniform or furnished with his warrant shall have the powers and immunities enacted by the Act of the first and second years of the reign of His late Majesty King William the Fourth intituled "An Act for amending "the Laws relating to the appointment of Special Constables and "for the better preservation of the peace" but notwithstanding anything in that Act or in any other Act of Parliament no allowances to or other expenses of any constables appointed under this section shall be payable out of the county rate of the county palatine of Lancaster or out of any other rate leviable by the justices of the said county or of any hundred or division thereof.

1 & 2 Will. 4. c. 41.

Power to charge for special services of constables.

**130.** The Corporation may demand and take any sum which they think reasonable in respect of the services of any constable of the borough employed by the authority of the Corporation or of the watch committee on any special duty for the benefit of any individual or of any body other than the Corporation and all moneys received in respect thereof shall be carried to the borough fund or to the police superannuation fund as the Corporation may direct.

Projections over streets.

**131.** It shall not be lawful for any person without the previous consent of the Corporation to erect any crane or apparatus for hoisting or lowering goods or place or make any other like projection or projecting signboard at or from any building at any height over any part of any carriageway or footway within the borough and every person after the passing of this Act erecting any such crane or apparatus or placing or making any such projection or projecting signboard without the previous consent of the Corporation shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which the offence is continued.

Extension of s. 28 of 10 & 11 Vict. c. 89.

**132.** Section 28 of the Towns Police Clauses Act 1847 shall in relation to the borough be read and have effect as if the following paragraphs were inserted therein that is to say:

(1.) Every person who shall ride drive or propel any bicycle velocipede or other similar mechanical contrivance without sounding a bell and after sunset also carrying a lighted lamp or who shall at any time within the streets of the borough ride or propel any bicycle velocipede or other similar mechanical contrivance at any greater speed than six miles an hour or upon the footpath or footway in any street;

(2.) Every person who shall allow any bull or other dangerous animal to be at large or not sufficiently secured by means of a rope attached to a ring through the nose of such animal or otherwise:

(3.) Every person who shall unlawfully affix paint mark write or chalk any bill placard notice writing representation words or matter on any building wall hoarding public convenience or other place belonging to or under the control of the Corporation:

(4.) Every vendor or other person who in vending coals or other articles uses any horn or other noisy instrument:

(5.) Every person who shall by shouting or singing or by public speech or address cause an obstruction in any street.

Byelaws relating to delivering Coal &c.

**133.** The Corporation by byelaws to be made under this Act may regulate the mode of delivering coal coke cannel culm or breeze and may prohibit or permit with or without any conditions the deposit thereof on any footway or pavement.

Transfer of police stations to Corporation.

**134.** The justices of the county palatine of Lancaster shall transfer and convey to the Corporation (first) the police station situate in Anson Street with the residences for constables and cells connected therewith and the fittings and furniture thereof and (secondly) the police station situate in Rawlinson Street with the residences for constables and cells connected therewith and the fittings and furniture thereof and the said justices shall at the cost of the Corporation prepare and execute an effectual conveyance of the same to the Corporation.

In consideration of the transfer the Corporation shall pay discharge and satisfy out of the borough fund and borough rate all sums owing at the date of the passing of this Act in respect of the said police stations and premises or either of them on the security of the rates leviable for or within the police division of Barrow-in-Furness or otherwise and all such sums and all interests thereon are hereby charged on and shall be payable out of the borough fund and borough rate in lieu of the rates leviable as aforesaid and the lenders of any sums secured as aforesaid shall have the like remedies for recovery of the same against the borough fund and borough rate as they would have had against the rates so leviable if this Act had not been passed.

But except with the consent in writing of such lenders nothing in this Act contained shall prejudice or affect any of their existing charges or securities.

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## XVI.—Markets and Slaughter-houses.

Power to acquire lands for markets &c. and grazing.

**135.** The Corporation may from time to time purchase by agreement and hold or take at a rent any lands or hereditaments not exceeding six acres for the purposes of markets and fairs abbattoirs and slaughter-houses and for the purpose of grazing animals brought thereto.

Amendment of s. 129 of 31 & 32 Vict. c. civ. as to table of tolls.

**136.** Section 129 of the Act of 1868 sub-section (4) referring to the table of tolls shall read as if the words "fourth schedule" were substituted for the words "third schedule."

Forfeiture of articles left in market.

**137.** Every animal or article brought into any market or fair and left therein after the hour of closing (except such as may be left in charge of the superintendent or inspector of the market or fair) may be taken possession of by the superintendent or inspector and if the same being an animal or of a perishable nature be not claimed within one hour after the closing or not being an animal or of a perishable nature be not claimed within one month thereafter then and in every such case the same may be sold by the Corporation who shall return the surplus proceeds of such sale after deducting any unpaid stallage rent or toll due in respect thereof and the expenses of detention and sale to the owner on demand if made within one month after the sale but if demand be not so made the proceeds of the sale shall be forfeited to the Corporation.

Power to prohibit sale in markets of certain articles.

**138.** The Corporation may make it a condition of the letting of any stall or standing in any market to any person that he shall not exhibit or offer for sale any commodity or article which in their opinion is not a marketable commodity and any person offering for sale any such article contrary to the condition of such letting shall be liable to a penalty of forty shillings.

Repeated offences in markets &c.

**139.** Every person who has been convicted of selling or exposing for sale or for having in his possession or on his premises the carcase of any animal or any piece of meat or any flesh diseased or unsound or unwholesome or unfit for the use of man or has been convicted of three offences against any of the byelaws made under the Act of 1868 or this Act relating to markets and slaughter-houses shall be liable to be forthwith removed and excluded for a term not exceeding one year from all or any of such markets or slaughter-houses by the market or slaughter-house inspector or his assistants and his tenancy (if any) of any pen shop stall or standing shall be thereupon determined without prejudice to any remedy or remedies for the recovery of any toll stallage or rent that may be due.

Corporation may revoke licenses for private slaughter-houses.

**140.** The Corporation may at any time after they have under the powers of this Act provided public slaughter-houses revoke cancel or call in any license granted by them whether before or after the passing of this Act to carry on private slaughter-houses making compensation in respect thereof according to section 308 of the Public Health Act 1875 except that if any such licenses shall have been granted upon condition that the same should be given up to be cancelled after notice by or request of the Corporation no such compensation shall be payable.

Byelaws relating to dangerous amusements.

**141.** The Corporation may from time to time make byelaws for compelling the fencing off of whirligigs and swings which in the opinion of the Corporation or their market inspector or other officer authorised in that behalf may be a source of danger or accident if not so fenced and for controlling the speed thereof and the use of steam power as applied thereto and for prohibiting dangerous whirligigs and swings.

## XVII.—Parks.

Sands and foreshore to be part of Biggar Bank during consent of owner.

**142.** In case and so long as the owner for the time being of the foreshore and sands situate between the park or place of recreation known as Biggar Bank and low-water mark permits the same or any part thereof to be used and controlled by the Corporation as part of the said park or place of recreation such foreshore and sands or part thereof shall for all the purposes of the recited Acts and this Act be deemed to form part of the said park or place of recreation.

Provision as to use of parks.

**143.** No public meeting shall be held in any park or place of public resort or recreation of the Corporation unless the Corporation by special resolution authorise the holding of such meeting and the Corporation may on any special occasion but not exceeding twelve days in any one year close any such park or place against the public and may on such occasions admit to any such park or place the members of any society or of any public or private institution or persons being attendants at or supported by any public or private institution or such other persons as the Corporation may think fit and the admission of every individual to any such park or place on such occasions may be either with or without payment as directed by the Corporation: Provided that this section shall not apply to the foreshore mentioned in the last preceding section.

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## XVIII.—Borrowing.

Power to borrow.

**144.** The Corporation may from time to time independently of any other borrowing power borrow at interest on the security of the borough fund and borough rate as follows that is to say:

For new streets and street improvements sums not exceeding in the whole twenty-six thousand five hundred pounds:

For tramways sums not exceeding in the whole thirty-five thousand pounds:

For sewage lands sewers and works sums not exceeding in the whole twenty-five thousand pounds:

For cattle-market and slaughter-houses sums not exceeding in the whole twenty thousand pounds:

For municipal offices sums not exceeding in the whole fifty thousand pounds:

For police stations sums not exceeding in the whole five thousand pounds:

For purchase and laying-out of recreation grounds sums not exceeding in the whole five thousand pounds:

For general purposes sums not exceeding in the whole fifteen thousand pounds:

For depôts for refuse and ashes and stables sums not exceeding in the whole twelve thousand pounds;

and may mortgage the borough fund and borough rate to secure repayment thereof with interest accordingly.

The Corporation may also raise and may apply for the purposes of the new streets authorised by this Act so much of the sum of thirty-three thousand pounds authorised by the Act of 1873 to be borrowed for new streets as has not been so borrowed and applied and also so much of the sums authorised by the recited Acts to be borrowed for general purposes as has not been borrowed.

Power to borrow further sums with approval of Local Government Board.

**145.** In addition to the moneys which by the last preceding section the Corporation are authorised to borrow they may from time to time with the approval of the Local Government Board borrow at interest on the securities mentioned in the last preceding section or any of them such sum or sums of money as they may require for any of the purposes for which money is by this Act authorised to be borrowed.

Power to re-borrow.

**146.** If the Corporation pay off any moneys borrowed by them under this Act or any of the recited Acts otherwise than by instalments or appropriations or by means of a sinking fund or out of the proceeds of the sale of land acquired under the powers of this Act they may re-borrow the same and so from time to time:

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Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section 15 of the Local Loans Act 1875 be deemed to form the same loan and the obligations of the Corporation with respect to the sinking fund to be set aside and the instalments and appropriations to be made in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

38 & 39 Vict. c. 83.

Application of provisions of 31 & 32 Vict. c. civ. as to borrowing.

**147.** The following provisions of the Act of 1868 shall apply to all moneys borrowed under this Act (that is to say):

Section 222 Protection of lenders from inquiry:
Section 225 Regulation as to mortgages:
Section 226 Transfers of mortgages:
Section 227 Form of mortgages and transfers:
Section 229 Power for mortgagees to obtain a receiver:
Section 230 Accounts open to mortgagees.

Power to borrow under 38 & 39 Vict. c. 83.

**148.** The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same rates and securities as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rates and securities shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by this Act.

Application of provisions of 38 & 39 Vict. c. cciv. as to debenture stock.

**149.** The provisions of section 133 of the Act of 1875 relating to the creation of debenture stock by the Corporation shall extend and apply to any money borrowed by the Corporation under this Act and the interest of debenture stock issued by the Corporation under this Act shall rank after the interest and principal of all mortgages granted by the Corporation under the recited Acts and subsisting at the passing of this Act whether the sums secured by mortgages granted before the passing of this Act shall have been actually advanced before the passing of this Act or not and equally

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with the interest but before the principal of all mortgages granted by the Corporation under this Act.

Payment off of money borrowed.

**150.** The Corporation shall pay off all money borrowed by them under the powers of this Act by any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 with respect to the discharge of loans borrowed in the manner provided by that Act within sixty years after the same is borrowed.

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

**151.** 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 any sinking fund or appropriated or paid as an instalment under this Act transmit to the Local Government Board a return in such form and verified in such manner as that Board may from time to time prescribe showing the amount which has been paid by instalments or appropriated or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereof has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to make any appropriation or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or the interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Corporation as part of the sinking fund and any such order may be enforced by mandamus to be obtained by the Local Government Board.

Application of money borrowed.

**152.** Money borrowed by the Corporation under this Act shall be applied only for purposes of this Act to which capital is properly applicable.

Saving for existing charges.

**153.** Nothing in this Act shall prejudicially affect any charge on the borough fund or borough rate or the estates and property of the Corporation, or any of them, by way of annuity mortgage debenture stock or otherwise subsisting at the passing of this Act and every annuitant mortgagee debenture stockholder or incum-

brancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed and 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 whether to secure sums already advanced or future advances shall during the subsistence thereof have priority over any mortgage granted under this Act on the same rate and property and over any debenture stock issued under this Act and notice of such priority shall be indorsed on every mortgage and certificate of debenture stock granted by virtue of this Act.

Provision as to excess expenditure for sewers &c.

**154.** Whereas under the Act of 1872 the Corporation were authorised to borrow the sum of forty-five thousand pounds for sewers new streets roads and improvements and the cost of constructing the sewers has greatly exceeded the estimated cost thereof and a sum of seven thousand four hundred and thirty-nine pounds eighteen shillings and one penny has been expended on sewers and street improvements in addition to the said sum of forty-five thousand pounds:

And whereas under the recited Acts the Corporation were authorised to borrow for general purposes sums amounting in the whole to fifty thousand pounds and the actual sums expended for such purposes have exceeded the said sum of fifty thousand pounds by four thousand and seventy-four pounds eleven shillings and one penny:

And whereas the said sums of seven thousand four hundred and thirty-nine pounds eighteen shillings and one penny and four thousand and seventy-four pounds eleven shillings and one penny were paid out of moneys properly belonging to the borough fund and it is expedient to make provision with respect thereto and for replacing the moneys so withdrawn: Be it therefore enacted that the application of the said sum of seven thousand four hundred and thirty-nine pounds eighteen shillings and one penny towards the construction of the sewers and of the said sum of four thousand and seventy-four pounds eleven shillings and one penny for general purposes shall be deemed to have been lawful and the Corporation may for the purpose of repaying the amount so taken from the borough fund borrow at interest on the security of the borough fund and rate any sum or sums not exceeding in the whole eleven thousand six hundred pounds and they may mortgage the said fund and rate as security for the repayment of money so borrowed with interest accordingly and the provisions of this Act relating to the

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borrowing re-borrowing and repayment of borrowed moneys shall extend and apply mutatis mutandis to the moneys borrowed under this section.

## XIX.—Rates.

Power to levy rates payable by instalments.

**155.** The Corporation may levy any rate they are for the time being authorised to make either in one sum or payment or by any number of instalments of such amounts and to be paid at such times as they shall from time to time fix and determine at the time of making such rate and in the case of a rate payable by instalments the demand note shall in addition to other requisite particulars state the time appointed for payment of such instalments and all the powers and remedies of the Corporation for the recovery of rates shall extend and apply to each instalment as if the same were a separate rate.

Amendment of s. 217 of 31 & 32 Vict. c. civ.

**156.** Notwithstanding anything contained in section 217 of the Act of 1868 all rates not expressly made payable by instalments shall be deemed to be payable on demand.

Amendment of s. 215 of 31 & 32 Vict. c. civ.

**157.** Section 215 of the Act of 1868 shall be read as if the words "or statutory declaration" were inserted in the third line of the proviso (1) to such section after the word "oath."

Amendment of s. 234 of 31 & 32 Vict. c. civ.

**158.** After the commencement of this Act section 234 (provisions of 11 and 12 Vict. c. 43. applicable to this Act) of the Act of 1868 shall be read and have effect as if the following proviso had been added thereto :—"Provided that any such proceedings may notwithstanding anything contained in any such Act be commenced at any time within six months after the offence to which the penalty attaches shall first have been discovered by or be known to the party by whom or at whose instance the proceedings are taken but so that no proceeding be commenced after the expiration of two years from the time at which the offence was committed."

## XX.—Miscellaneous.

Amendment of s. 100 of 31 & 32 Vict. c. civ.

**159.** No owner or occupier of lands shall be entitled to compensation under section 100 (compensation for works connected with sewers) of the Act of 1868 if he is himself in default in relation to the matter in respect of which compensation is claimed.

Extension of s. 249 of 31 & 32 Vict. c. civ. as to contracts for gas and water fittings.

**160.** The provisions of section 249 (persons entering into contracts with Corporation not disqualified as members of Corporation) of the Act of 1868 shall extend and apply to contracts for the supply by the Corporation to any person of gas fittings and water fittings gas pipes and water pipes and residual products.

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Costs of distress.

**161.** Any justice who issues a warrant of distress for any purpose of the recited Acts or this Act may order that the costs of and incidental to the recovery of the money to be levied be paid by the person liable to pay that money and the costs shall be ascertained by the justice and shall be included in the warrant of distress for recovery of the money.

Form and service of notices by Corporation.

**162.** Section 258 (form and service of notices by Corporation) of the Act of 1868 is hereby repealed. Any instrument (including a notice order resolution declaration adjudication requisition consent approval disapproval demand determination appointment or other document) made given delivered or served under this or any other Act or any byelaw by the Corporation may be either in print or in writing (including lithograph) or partly in print and partly in writing (including lithograph) and shall be sufficiently authenticated by the name of the town clerk of the treasurer or of the surveyor or other proper officer (according to the subject of the particular instrument) being affixed thereto in print or in writing (including lithograph) or by a stamp on behalf of the Corporation and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served without further name or description and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned) and any such instrument may be served on any owner occupier or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or in case of an occupier of such property (being a building) to any inmate of such building or if the property is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such property. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted.

Byelaws.

**163.** All byelaws under this Act (except in relation to tramways and other matters comprised in Part V. of this Act) shall be made

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under and according to the provisions with respect to byelaws contained in sections 182 to 187 (both inclusive) of the Public Health Act 1875.

Cabmen's shelters.

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

Public band.

**165.** The Corporation may from time to time pay or contribute any sum or sums not exceeding fifty pounds per annum towards the payment of a public band of music for the borough.

Auditors.

**166.** The Corporation may from time to time appoint and pay a competent person to act as auditor of the accounts of the Corporation in addition to and to act either along with or apart from the auditors appointed under the Municipal Corporation Acts.

Power to acquire work &c. ferry of Furness *Company*.

**167.** The Corporation may by agreement with the approval of the Local Government Board purchase or lease and may work maintain regulate and manage the ferry established by the Furness Railway Company between Barrow Island and Walney and the Furness Railway Company may on such terms and conditions and for such considerations as may be agreed upon between them and the Corporation sell or lease to the Corporation such ferry and the Corporation may by agreement purchase or lease lands for such purposes and may from time to time buy or hire ferry boats or vessels for such purposes and may demand and take such tolls and rates if any as the Corporation think fit and as are from time to time approved by the Local Government Board and may with the approval of the Local Government Board borrow money on the security of the borough fund for the purposes of this section. All moneys received from tolls or other payments in respect of the ferry shall be carried to the borough fund and all working expenses shall be paid out of the same fund.

Landing-places for ferrymen &c.

**168.** The Corporation may either before or after the acquisition of such ferry appoint landing-places for ferrymen and boatmen in the neighbourhood of such ferry and may by agreement purchase or lease lands not exceeding three acres for the purpose of such landing-places and any boatman or ferryman landing at any unauthorised landing-place shall be liable to a penalty not exceeding forty shillings: Provided always that the provisions of this section shall not apply to any boatmen in the employ of the Furness Railway Company or authorise the Corporation to appoint (except with

the previous consent in writing of the Furness Railway Company under their common seal) any landing-place on the property of that Company nor (except as in this section otherwise provided) shall anything in this Act contained confer upon the Corporation any powers rights or authorities in over or with respect to the harbour of Barrow or any part thereof.

Alterations &c. of ferry not to be made without consent of Board of Trade.

**169.** The Corporation shall not at any time alter or extend any existing landing-places connected with the ferry undertaking when vested in the Corporation without the previous consent of the Board of Trade to be signified in writing under the hand of a secretary or assistant secretary of the Board and then only according to such plan and under such restrictions and regulations as the said Board of Trade approve of such approval being signified as last aforesaid. Neither shall the Corporation construct any new landing-places or other works below high water connected therewith without obtaining the like consents and approvals and if any such alteration extension or any such construction of new works shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Corporation and the amount of such costs shall be a debt due to the Crown and recoverable against the Corporation accordingly.

Representation of Corporation in proceedings in bankruptcy &c. 32 & 33 Vict. c. 71.

**170.** The town clerk may institute and prosecute all such proceedings in bankruptcy under the Bankruptcy Act 1869 or any Act amending or substituted for the same as may be necessary to procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand as though such claim or demand were the claim or demand of the town clerk and not of the Corporation.

Corporation may appoint deputy town clerk &c.

**171.** The Corporation may from time to time appoint a deputy or deputies to execute the office or all or any of the powers or duties of any of the following officers in case of the illness incapacity or absence of such officers respectively (that is to say) the town clerk the chief constable the borough accountant the surveyor the medical officer and the nuisance inspector and the acts of such deputy within the terms and during the continuance of such appointment shall be valid accordingly.

Amendment of s. 113 of 38 & 39 Vict c. cciv. as to compensation to constables.

**172.** Section 113 (compensation to firemen) of the Act of 1875 shall extend and apply to police constables and to any workmen in the employment of the Corporation.

A.D. 1881.

Power to accept statues, &c.

**173.** The Corporation may from time to time accept in trust for the inhabitants of the borough and allow the erection in public streets and places in the borough of such statues and other monuments drinking and other fountains and seats as they think fit and may maintain the same and any statues monuments fountains and seats so accepted and erected before the passing of this Act and keep them in good order and repair.

Disputes as to graves &c.

**174.** If any dispute at any time hereafter arise between two or more persons with respect to the right of burial in any vault grave or tomb or with respect to the property in or the repair of any vault grave tomb tombstone or monument in any cemetery or place of burial for the time being belonging to or vested in the Corporation they may upon the report of the town clerk make and enforce such order in the matter of such dispute as they think fit and may if they think fit by the same or another order declare in whom the right of burial and the property in any such vault grave tomb tombstone or monument are or shall in future be vested and to whom the liability to repair the same attaches or shall in future attach and the right of burial and the property in such vault grave tomb tombstone or monument shall thenceforth be vested and the liability to repair shall attach accordingly. Provided that any order or declaration made under this section may be vacated or altered by the High Court of Justice by any order of that Court made in any action or proceeding in which any right of any person which is affected by such order or declaration of the Corporation is declared or ascertained.

Corporation not exempted from indictment.

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

Saving rights of Furness Company.

**176.** Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the estates rights powers privileges or authorities of the Furness Railway Company.

Expenses of Act.

**177.** 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.

## THE FIRST SCHEDULE.

THE AREA BY THIS ACT ADDED TO THE EXISTING BOROUGH.

All those isolated and detached parts of the parish of Dalton in the county of Lancaster known as the chapelry of Rampside which by the order of the Local Government Board dated the 1st day of May 1878 were amalgamated with the parish of Barrow-in-Furness.

## THE SECOND SCHEDULE.

REGULATIONS WITH RESPECT TO USE OF STEAM OR MECHANICAL POWER ON TRAMWAYS.

Brake power of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

Fittings of engines &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

Carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

The Board of Trade shall on the application of the Corporation and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

Speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

A.D. 1881.

## THE THIRD SCHEDULE.

FORM OF ORDER FOR SEWERING PAVING &c.

*Barrow-in-Furness Corporation Act* 1868.

day of 18

It is resolved and ordered by the council of the borough of Barrow-in-Furness that on or before the day of 18 the following streets [A street] [B street] be freed from obstruction sewered drained levelled flagged paved [or macadamised] and otherwise completed at such levels with such inclinations and with such sewers and drains of such dimensions as are shown on the plans and sections and with the materials and in the manner mentioned and described in the specification deposited in the offices of the Corporation.

[C. F. P.] Town Clerk.

## THE FOURTH SCHEDULE.

CERTIFICATE OF DISEASE.

*The Barrow-in-Furness Corporation Act* 1881.

To the Mayor Aldermen and Burgesses of the borough of Barrow-in-Furness.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from*
being an infectious disease within the terms of the above-named Act.

*Here specify the disease.

Dated the day of 18 .

(Signed)

Name of person suffering from the disease }
Situation of the building wherein such person is }
Name of occupier or other person having the charge management or control of the building or room }

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

## THE FIFTH SCHEDULE.

LANDS AND BUILDINGS OF WHICH PORTIONS ONLY MAY BE REQUIRED.

| Parish. | Numbers on deposited Plans. |
|---|---|
| Barrow-in-Furness - - - | New Street (2.) 57 59 198 199 200. |
| Barrow-in-Furness - - | New Road (3.) 3. |

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1881.