SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER ccxliii.

An Act to consolidate and amend the Acts relating to the Borough of Blackburn, and to make further provision for its local Government and Improvement; to authorise the Construction of Tramways; and for other purposes. A.D. 1882.

[18th August 1882.]

WHEREAS the borough of Blackburn, in the county palatine of Lancaster, is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as "the Corporation"), and is subject to the Municipal Corporation Acts:

And whereas the Corporation, acting by the council of the borough, are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority:

And whereas the several local Acts relating to the borough enumerated in the first part of the First Schedule to this Act are wholly or partly in force, and are in this Act collectively referred to as "the local Acts," and separately by the respective short titles mentioned in such schedule:

And whereas the borough is subject to the Acts relating to municipal corporations and to the several public Acts enumerated in the second part of the said First Schedule and now in force (which last-mentioned Acts together with the Acts altering amending or affecting the same, so far as the same relate to the borough, and the local Acts, are in this Act collectively referred to as "the Corporation Acts").

And whereas the Corporation were empowered under the Corporation Acts from time to time for the purposes of the said Acts respectively to levy rates and to borrow moneys subject to the limitations and conditions by the said Acts respectively prescribed:

And whereas the Corporation, acting in execution of the Corporation Acts and for the purposes of the same respectively, have from time to time borrowed various moneys, temporarily or upon mortgages or bonds, and on the twenty-fifth day of March one

1882. thousand eight hundred and eighty-two, owed on account of such moneys several sums amounting in the whole to the sum of four hundred and sixty-three thousand three hundred and forty-eight pounds six shillings and eightpence, and such sums are now respectively charged upon different securities with different priorities, at different rates of interest, subject to different conditions, and repayable at different times:

And whereas the Corporation have created and issued annuities in respect of the purchase of their gas and water undertakings amounting to the annual sum of thirty-two thousand six hundred and eighty pounds four shillings and fivepence, of which annual sum the annual sum of sixty-five pounds five shillings has been redeemed out of the sinking fund, leaving the annual sum of thirty-two thousand six hundred and fourteen pounds nineteen shillings and fivepence still payable by the Corporation:

And whereas the Corporation are under the Municipal Corporations Acts empowered from time to time to raise a borough rate in addition to the rates which they are otherwise authorised to raise:

And whereas the Corporation are the owners of valuable lands, gasworks, waterworks, and other property:

And whereas the net annual value of property in the borough rateable to the relief of the poor amounts for the year one thousand eight hundred and eighty-two to three hundred and twenty-two thousand two hundred and four pounds:

And whereas it is expedient that the Corporation be empowered to exercise their statutory borrowing powers as herein-after defined for the time being by means of the creation and issue of Corporation stock, and that further provision be made with reference to the borrowing powers and securities of the Corporation, and the repayment of borrowed moneys:

And whereas it is expedient to consolidate and amend the enactments in force relative to the improvement and government of the borough, the gas and water supply, the markets, and other matters, and to make provision; as in this Act mentioned, for certain street improvements, and for conferring further powers upon the Corporation for the good government, improvement, and regulation of the borough, and for the other purposes in this Act mentioned:

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 respect thereto be enlarged, and that the limits within which the Corporation may supply gas be extended:

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

And whereas it is expedient that the Corporation be authorised to raise further money by borrowing:

And whereas it is expedient that the Corporation should be empowered to cancel consolidated stock created by them but not issued at the passing of this Act, and to redeem by agreement all or any of the water annuities granted by them:

And whereas it is expedient that the Corporation should be empowered to stop up and extinguish the rights of way mentioned in this Act:

And whereas plans and sections showing the lines, situations, and levels of the works authorised by this Act, and also books of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Lancaster, and are in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas estimates have been prepared for the purchase of land for and the execution of the works by this Act authorised, and for other purposes, authorised by the local Acts, or some of them, and such estimates are as follows (that is to say):—

For street improvements - - -	£20,000
For farm buildings and permanent improvements of the farms acquired by the Corporation for sewage disposal - - - -	5,000
For tramways - - - -	50,000
For public baths - - - -	2,000

And whereas the several works included in such estimates are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875: 38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the council of the borough, at a meeting held on the twenty-seventh day of October, one thousand eight hundred and eighty-one, after ten clear days' notice by public advertisement of such meeting, and of the purposes thereof, in the Blackburn Times, a local newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund:

And whereas such resolution was published twice in the said Blackburn Times, and has received the approval of the Local Government Board in respect of matters within the jurisdiction of

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that Board, and the approval of one of Her Majesty's Principal Secretaries of State in respect of other matters:

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 second day of February, one thousand eight hundred and eighty-two, being not less than fourteen days after the deposit of the Bill in Parliament:

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

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

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

Part I.—Preliminary.

Short title.

1. This Act may be cited as the Blackburn Improvement Act 1882, and save as otherwise expressly provided shall come into operation on the passing thereof.

This Act except where otherwise expressly limited or provided shall be in force within and throughout the borough.

The Local Acts except to the extent mentioned and set forth in the Second Schedule to this Act are hereby repealed: Provided, that for the purpose of explaining or construing any portions of the Local Acts not hereby repealed it shall be lawful to refer to the repealed portions of those Acts, and the several provisions of the Local Acts set forth in the said Second Schedule to this Act, so far as is consistent with the tenor thereof, shall be read together with and have effect as if they formed part of this Act.

Notwithstanding the partial repeal of the Local Acts as aforesaid—

(1.) All acts, works, matters, and things, before the commencement of this Act done or commenced under the powers and authorities or by operation of the Local Acts, or any of them, and which were at the commencement of this Act good, valid, and available, or in progress, and all awards, conveyances, leases, mortgages, gas and water annuity certificates, consolidated stock certificates, bonds, covenants, deeds, instruments, contracts, agreements, obligations, rights, and remedies

at the commencement of this Act existing under the same shall be and continue as good, valid, and available for all purposes, and for and against all parties, and may be commenced, continued, and completed as if this Act had not been passed;

(2.) All actions, suits, prosecutions, arbitrations, or other proceedings by, with, or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the Local Acts, or any of them, may be continued, commenced, or prosecuted by or against the Corporation as if this Act had not been passed;

(3.) All byelaws, rules, and regulations shall continue in force within the respective districts and places to which they refer until repealed or altered under the provisions of this Act, and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;

(4.) All officers and servants of the Corporation shall continue to hold office as if this Act had not been passed;

(5.) All mortgages and other securities granted under the Local Acts or any of them may be transferred as if this Act had not been passed;

(6.) All rates, rents, tolls, and other sums at the passing of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed;

(7.) All books and documents, which under any of the Local Acts or otherwise would have been receivable in evidence, notwithstanding the passing of this Act, shall be receivable in evidence as if this Act had not been passed.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845, 1860, and 1869 (in this Act collectively called "the Lands Clauses Acts"), the Markets and Fairs Clauses Act 1847, the Gasworks Clauses Act 1847, and the Waterworks Clauses Act 1847 (except the provisions contained in the two last-mentioned Acts respectively, with respect to the amount of profits to be received by the undertakers), the Waterworks Clauses Act 1863, the Towns Improvement Clauses Act 1847 (except the provisions thereof with respect to "Officers to be appointed by the Commissioners or under "any general Town Improvement Act," "Laying out new "streets," "Objections to the works to be constructed by or "subject to the approval of the Commissioners," "Supplying "buildings with fresh air," "Things to be done by the Commis- "sioners by special order only," "The rates directed by this Act "to be made for sewers, drains, and private improvements," "The

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 14.
10 & 11 Vict. c. 15.
10 & 11 Vict. c. 17.
26 & 27 Vict. c. 93.
10 & 11 Vict. c. 34.

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" byelaws to be made by virtue of this or the special Act," and except sections twenty-three to thirty inclusive, thirty-five to forty-one inclusive, fifty-three to fifty-five inclusive, sixty-seven, and one hundred and fifty-two), the Town Police Clauses Act 1847 (but nothing therein or in this Act contained shall extend to take away, abridge, or lessen any powers which now or at any time hereafter may by law belong to or may be exercised by the Corporation or the Watch Committee of the borough). Section 3 (Interpretation of terms), section 19 (Local authority may lease or take tolls), and Parts II. and III. of the Tramways Act 1870, are (except where expressly varied or otherwise provided for by this Act) incorporated with and form part of this Act, and are in this Act at times referred to as " the incorporated Acts;" and in construing the incorporated Acts for the purposes of this Act the expressions " the Commissioners " " the undertakers " and " the promoters " " of the undertaking," or other like expressions, shall mean the Corporation, and the expression " a Provisional Order " in the Tramways Act 1870, as incorporated with this Act, shall mean this Act, and the Gasworks Clauses Act 1871, so far as applicable (except sections eight, for appointment of a receiver, and thirty-five, relative to accounts), shall apply to the existing gas undertaking of the Corporation as if the same were hereby authorised.

10 & 11 Vict. c. 89.

33 & 34 Vict. c. 78.

34 & 35 Vict. c. 41

Interpretation of terms.

3. In construing this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction (that is to say) :

" The borough " means the municipal borough of Blackburn;

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

" The council " means the town council of the borough;

" The borough fund," " the borough rate," " the general district fund," and " the general district rate," mean respectively the borough fund, the borough rate, the general district fund, and the general district rate of the borough;

" The town clerk," " the treasurer," and " the surveyor " mean respectively the town clerk, the treasurer, and the surveyor of the borough, and include any deputy already appointed or hereafter to be appointed;

" The Municipal Corporation Act " means the Act 5 and 6 William IV. cap. 76, " To provide for the regulation of Municipal " Corporations in England and Wales," and the expression " the Municipal Corporation Acts," means that Act and all Acts for the time being in force amending the same, or otherwise relating to municipal corporations in England;

"Statutory declaration" means declaration under the Statutory Declarations Act 1835. 5 & 6 Will. 4. c. 62.

"The Public Health Acts" mean the Public Health Act 1875, and all Acts for the time being in force for amending or extending the same;

"Infectious disease" means scarlatina, small-pox, cholera, typhus, and typhoid fevers, diphtheria, and such other disease as the Corporation shall from time to time, and either temporarily or permanently, order on the report of the Medical Officer of Health, and with the consent of the Local Government Board.

"Parish, person, lands, premises, owner, rack-rent, house, street, drain, sewer, and slaughter-houses" have in this Act the meanings assigned to them respectively in the Public Health Act 1875, and the word "street" applies to part of a street or road, and unless there be something in the subject or context repugnant to such construction shall mean and include any back road, cross road, and other way whatsoever other than a passage which is part of and leads solely to a private dwelling-house or other building or land;

"New street" means all streets hereafter to be formed or laid out, and a part of any such street and also all streets not repairable by the inhabitants at large, and a part of any such street and also all streets partly formed or laid out;

"Back road" means a road upon which the backs alone of dwellings abut;

"Cross road" means a road leading from any street upon the which the fronts of dwellings or other buildings abut to any back road;

"Cattle" includes horse, mare, gelding, foal, filly, ass, mule, ram, ewe, wether, lamb, goat, kid, swine, bull, ox, cow, steer, heifer and calf;

Words to which meanings are assigned in the incorporated Acts shall in this Act have the same respective meaning so far as may be consistent with this Act;

"Water annuity" or "water annuities" means any annuity or annuities granted by the Corporation as the consideration for the purchase of the undertaking of the dissolved Blackburn Waterworks Company;

"Gas annuity" or "gas annuities" means any annuity or annuities granted by the Corporation as the consideration for the purchase of the undertaking of the dissolved Blackburn Gaslight Company;

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"Water annuitant" and "gas annuitant" means the person, company, or corporation for the time being entitled to any gas or water annuity or annuities respectively;

"Consolidated stock" means Blackburn consolidated debenture stock created by the Corporation under the provisions of the Blackburn Improvement Act 1879;

42 & 43 Vict. c. cxvi.

"Gasworks" and "gas undertaking" respectively mean and include the gasworks and gas undertaking of the Corporation existing at the passing of this Act, and any improvements or enlargements thereof;

"Waterworks" and "waterworks undertaking" respectively mean and include the waterworks of the Corporation existing at the passing of this Act, and all waterworks in course of construction, or which may hereafter be constructed under any of the powers contained in this Act or in the local Acts or any of them and the waterworks undertaking of the Corporation:

Provided, that in the incorporated Acts and this Act the expression "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.

Boundaries of the borough and wards to continue.

4. The boundaries of the borough shall be and continue as the same existed at the date of the passing of this Act, and the borough shall continue divided into the seven wards, having respectively the names and boundaries existing at the passing of this Act, and the boundaries of the borough, and the names and boundaries of the said wards, are shown upon the borough plan, signed by John Stewart Gathorne Hardy, Esquire, as chairman of the committee of the House of Commons to which the Bill for the Improvement Act 1879 was referred, and deposited at the office of the town clerk.

Copies of deposited plans showing boundaries to be evidence.

5. Copies of the borough plan deposited with the town clerk, 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 upon payment of a reasonable fee for every such copy or extract.

Number and election of aldermen and councillors.

6. The borough shall continue to have fourteen aldermen and forty-two councillors, and each ward shall continue to return six councillors, and all aldermen and councillors holding office at the date of the passing of this Act shall continue to hold office, and be

subject to the same regulations as to retirement and rotation, as if this Act had not passed, and, subject to the provisions of this Act, all elections, vacations of office, and rotations, shall be regulated and governed by the Municipal Corporation Acts and other Acts for the time being in force with respect thereto respectively.

Jurisdiction, &c. of borough justices, &c.

7. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace appointed for the borough, whether acting in petty sessions or out of sessions, or otherwise, and of all constables and other peace officers of the borough, shall continue to extend to and throughout the borough for all purposes, and the justices of the peace and constables or police officers of the county of Lancaster shall not have or exercise any further or other jurisdiction or powers within or in respect of the borough, or any part thereof, than they now lawfully have and exercise.

Saving for 22 Vict. c. 35.

8. Notwithstanding anything in this Act, sections one, two, and three of the Municipal Corporations Act 1859 (relating to the division of boroughs into wards), and any enactment substituted for or amending the same, shall continue to apply to the borough.

Act to be executed by council.

9. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts, the Public Health Acts, and other Acts respectively for the time being in force and affecting the Corporation as a municipal body and as a sanitary authority respectively, and with all the rights, powers, privileges, exemptions and authorities conferred by those Acts respectively on the Corporation, or on the council and committees and sub-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 Corporation Acts, the Public Health Acts, and the other Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions and property vested in, imposed on, or enjoyed by them by or under this Act were vested in, imposed on, or enjoyed by them under the Municipal Corporation Acts, the Public Health Acts, the Local Acts, and other Acts respectively.

Power to appoint an engineer and other officers.

10. The Corporation may from time to time appoint an engineer, deputy town clerk, deputy engineer, deputy surveyor, auditor or auditors, and such other officers, clerks, and servants as they may require, upon such terms with respect to salary or remuneration and otherwise as they may think fit.

Officers to hold office during pleasure.

11. All officers, clerks, and servants appointed by the Corporation under this Act shall hold office during the pleasure of the Corporation.

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Committees of council.

12. The council may from time to time appoint committees of their members, and may define the duties of each such committee, and may delegate to each such committee such of the powers and duties of the Corporation, whether as a municipal body or as the urban sanitary authority or otherwise, as the council think fit, and the acts and proceedings of every such committee, within the limits of their delegation, shall be deemed the acts and proceedings of the council, and the quorum of any such committee shall be such as the council shall direct, and the council may from time to time make such regulations as they may think fit with respect to the confirmation of the proceedings of a committee and otherwise for the guidance of a committee, and the council may from time to time remove any member of a committee and appoint in his stead another member of the council.

Sub-committees of council.

13. A committee, whether appointed by the council under this Act or the Municipal Corporations Act or under any other power may appoint a sub-committee or sub-committees of its members to execute and discharge any of the powers and duties of the committee, but the acts of every sub-committee shall, unless the committee on the appointment of such sub-committee otherwise direct, be submitted for approval to the committee by which such sub-committee was appointed and otherwise to the council for approval: Provided, that in no case shall a committee or a sub-committee be authorised to borrow any money or to make any rate.

Part II.—Streets and Highways.

Power to widen and improve the streets, &c.

14. It shall be lawful for the Corporation to widen, alter, and otherwise improve the streets within the borough, and the levels thereof, and to make new streets, openings, and thoroughfares therein in such manner as they shall think proper, for the convenience of the public and the improvement of the borough.

Power to Corporation to light the streets.

15. It shall be lawful for the Corporation from time to time to cause the several streets within the borough, or such of them as they shall think proper to be lighted with gas, oil, or otherwise, at such times as they shall think fit, and to provide such lamps, lamp posts, lamp irons, pipes, and other works as may be necessary for that purpose.

Width of new streets.

16. It shall not be lawful to make or lay out any new street within the borough, other than a back road or cross road, of less width than thirty-six feet, nor any back road or cross road of less width than twelve feet, and there shall be one entrance at least to every such street, back road, and cross road of the full width

thereof, and open from the ground upwards, and such width shall, in streets other than back roads or cross roads, be the width of the carriage and footway only, exclusive of any gardens or forecourts, open areas, or other spaces in front of the houses or buildings, erected or intended to be erected in any street, and shall be measured at right angles to the course or direction of such street and on the level thereof; and if any person shall make or lay out any new street, back road, or cross road, contrary to the provisions of this section, he shall be liable to a penalty not exceeding one pound for every day during which any such street, back road, or cross road, shall not be in accordance with the requirements of this section.

Notice of intention to lay out new streets to be given and plans and sections to be furnished.

17. Every person who shall intend to make or lay out any new street within the borough, whether the same is intended to be used as a public way or not, shall comply with the following provisions (viz.):

(1) He shall give notice in writing thereof to the surveyor, and shall furnish him with a plan (in duplicate) of the intended new street, drawn on an accurate scale of not less than one inch to ten yards, and a section (in duplicate) drawn on an accurate scale of not less than one inch to ten yards horizontally, and one inch to ten feet vertically;

(2) Such plan shall show thereon the names of the owner or owners of the lands through or over which the street is intended to pass, and its proposed width and direction, and its position relatively to the streets adjoining or leading thereto, and the name and address of the person intending to lay out the new street, and shall be signed by him or his agent;

(3) Every such section shall show thereon the level of the present surface of the ground above the Ordnance datum, the level and rate of inclination of the intended new street, and the level and inclination of the streets with which it will be connected, and the proposed mode of sewering the same;

(4) It shall not be lawful for any person to make or lay out any new street until such notice shall have been given, and such plans and sections shall have been approved by the Corporation under the hand of the surveyor, and it shall not be lawful for any such person in making or laying out any such new street to deviate from such approved plans and sections without the consent in writing of the Corporation signified as aforesaid;

(5) In case such plans and sections shall be approved, then previous to the commencement of any building in any such street (not being a back road or cross road), side or curb stones shall be placed along both intended footpaths for the whole length of such intended new street by the person intending to

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make or lay out the same in the proposed line and level thereof, and the whole roadway thereof shall be formed;

If any person shall make or lay out any new street within the borough without having given such notice, and without having obtained such approval as aforesaid, which approval shall not be unreasonably withheld by the Corporation, and otherwise complied with the provisions aforesaid, he shall be liable to a penalty not exceeding ten pounds, and the Corporation or their surveyor may, if they or he think fit, cause any alterations to be made in the line and level of such intended street as the case may require, and the expenses incurred by them or him in so doing shall be settled by the surveyor, and be repaid by the person acting contrary to the requirements aforesaid: Provided, that if the Corporation fail to signify their approval or disapproval in manner aforesaid of the said plans and sections for the space of thirty days after the delivery thereof as aforesaid, such intended street may be proceeded with in accordance with the plans and sections so delivered, and as if the same had been approved.

Corporation may declare where new streets begin and end.

18. The Corporation may from time to time by order declare the points or limits at or within which any new street is for the purposes of this Act to be taken as beginning or ending.

Houses not to be built in close courts.

19. No house shall be built in any court within the borough, the passage or entry into which is not eighteen feet wide at the least, and open for the space of eighteen feet at the least in height from the ground upwards at the end of the court, and so continuing of such width and height for the whole length of such passage: Provided, that whenever within the borough the space between the fronts of the houses on opposite sides of any street or court existing at the time of the passing of this Act is less than thirty-six feet the Corporation may lay down, and from time to time vary, a plan and scheme for so regulating all future building and rebuilding of houses with frontage to such street or court as to secure the providing and preserving of the said space of thirty-six feet between the fronts of the houses on such opposite sides, and as much regularity and uniformity in the lines of frontage of the houses in such street or court as can in the opinion of the Corporation be attained, having regard to the circumstances of the particular case, and no person shall after notice of such plan and scheme to such person build or rebuild any house or building having a frontage to such street or court, except upon such line of frontage as shall be in conformity with the said plan and scheme: Provided, that whenever in order to secure such conformity it shall be necessary that the frontage of any building should in the rebuilding thereof be set back, the Corporation shall make compensation to the owners

and lessees thereof for any damage they may thereby sustain, the amount of such compensation to be determined in case of dispute in the manner provided by the Lands Clauses Acts, for determining questions of compensation with regard to lands purchased or taken otherwise than by agreement under the provisions thereof.

As to setting back houses, &c. on building.

20. Where any person after the commencement of this Act erects any new house or building or rebuilds any old house or building in or fronting to any street being a carriage road laid out or used before or after the commencement of this Act, whether any house or other building has been previously erected on the site or intended site of such house or building or not, the following provisions shall have effect (that is to say):

(1) The person so erecting or rebuilding shall if required by the Corporation or their surveyor erect or rebuild such house or building at the distance of six yards at least from the centre of the street, and if necessary for that purpose shall set back the house or building accordingly, and the whole of that space or distance of six yards shall thereafter form part of the street, unless the consent of the Corporation in writing is previously obtained by such person to the contrary, and in any such case the Corporation shall make compensation in respect of all or any damage which such person may thereby sustain;

(2) In case any person after the commencement of this Act erects or rebuilds any house or building in contravention of the provisions of this section, the Corporation may at any time during the progress of or within one month after the erection thereof, pull down, take away, and remove the same, or so much thereof as is erected in contravention as aforesaid, and such person shall for every such offence forfeit and pay a sum not exceeding twenty pounds, to be recovered by the Corporation in any court of competent jurisdiction.

Provided always, that the provisions of this section shall not apply or extend to any building belonging to any railway company and used solely as a railway station or part of a railway station.

Corporation may agree with owners of projecting buildings, and of houses at corners of streets, to alter and round off the same.

21. In every case in which the Corporation shall deem it expedient that the whole or any part of any house or building projecting beyond the regular line of any house or street, or beyond the front of the house or building on either side thereof in any street, or at the corner of any street, or opposite to or projecting across the end of any street, should be taken down for the purpose of straightening the line of any street, or of rounding off the corner of any street, or improving the entrance or approach thereto or to any adjoining street, it shall be lawful for the Corporation to agree with the owner and occupier of such house or building to pull

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down, set back, or alter the same in such manner as the Corporation shall require, and to pay to such owner and occupier such compensation as shall be agreed upon between them and the Corporation; and it shall be lawful for the Corporation to lay into the street so much of the site of any house or building so pulled down, set back, or altered, as shall be agreed upon between the Corporation and such owner and occupier.

Ground acquired by Corporation and thrown into streets to be public highways.

22. The sites of all houses and all pieces of ground, or any parts thereof, which may have been or may be acquired by the Corporation and laid into streets, and dedicated to public use, shall be vested in the Corporation without any conveyance, and such streets shall be repaired and maintained in such and the same manner as highways shall for the time being be by law required to be maintained and repaired, and whenever in consequence of any improvement made by the Corporation or otherwise any such houses or ground, or parts of ground, so acquired and laid into streets shall be deemed by the Corporation to be no longer required for public use, and shall not be needed for the purpose of approach to any property, or as a frontage to any property adjoining the same not belonging to the Corporation, the Corporation may either sell the same and apply the proceeds in making improvements in the borough, to which capital is applicable or may exchange the same, and either with or without paying or receiving any money for equality of exchange for any other lands better adapted or required for the purposes of any improvements, and the Corporation may convey the lands so sold or exchanged accordingly.

As to repair of vaults, &c. under streets.

23. All vaults, arches, and cellars, at any time subsisting under any street within the borough, and all openings into such vaults, arches, or cellars, in the surface of any such street, and all cellar heads, gratings, lights, and coalholes existing in the surface of any such street, and all landings, flags, or stones of the path or street supporting the same respectively, shall be, by the owners or occupiers of the same, or of the houses or buildings to which the same respectively belong, kept in substantial repair and in good and proper condition, and so as not to occasion any injury to the street or passengers therein, and in default thereof it shall be lawful for the Corporation, in case of emergency after twenty-four hours or otherwise after three days notice, in that behalf, to cause the same respectively to be repaired and put in good order and the expenses of so doing shall be settled by the surveyor and be paid to the Corporation by such owner or occupier respectively.

Section 31 of 10 & 11 Vict. c. 34, ex-

24. The provisions of section thirty-one of the Towns Improvement Clauses Act 1847 shall extend to all vaults, arches, and cellars

to be made within the borough, whether made under the carriage-way or under the footway of any street.

tended to vaults under footways.

Courts and passages to be flagged and channelled.

25. Every street within the borough which is only a court and passage shall be well and sufficiently formed, paved, or flagged, channelled, and sewered, and kept in good repair to the satisfaction of the Corporation by the owner or owners of the house, or houses, buildings, and lands abutting thereon, and having the right to the use thereof; and if any such court or passage be not so well and sufficiently paved or flagged, channelled, and drained, and kept in good repair to their satisfaction, the Corporation may cause the same to be paved, flagged, channelled, and sewered, and the whole repaired to their satisfaction, and the expenses attending the same shall be settled by the surveyor and be repaid to the Corporation by the owner or owners of the house or houses, buildings, and lands abutting on such court or passage, and having the use thereof, and each such owner shall pay a just share and proportion thereof, and such share shall be ascertained and determined by the surveyor.

Corporation may repair private streets after notice to owners.

26. In case at any time any street within the borough (whether fully made and built or only partially made or built), or the carriage-way or footway or any other part thereof (such street not being a highway repairable by the inhabitants at large, although part thereof may be so repairable), be not sewered, drained, levelled, paved, flagged, and channelled, metalled, and made good to the satisfaction of the Corporation, the following provisions shall except as to any part of such street repairable by the inhabitants at large have effect (namely):

(1) The Corporation may at any time and from time to time, by notice to be given to the respective owners or occupiers of the lands fronting, adjoining, or abutting upon such parts of any such street as may require to be sewered, drained, levelled, paved, flagged, or channelled, metalled, or made good, require them to sewer, drain, level, pave, flag, or channel, metal, and make good the same within such time, with such materials, at such levels, with such inclinations, and with sewers and drains of such dimensions and in such manner generally as shall be specified in such notice;

(2) Where such notice includes the fixing the level of any street which has not become a public highway, or any street which has not been theretofore levelled, such notice shall specify a time when and place where all persons interested in that work may be heard thereupon, and the Corporation, or some committee thereof, shall meet at the time and place mentioned in such notice to consider any objections made against that work, and all persons interested therein, or likely to be

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aggrieved thereby, may attend the Corporation or such committee thereof at such meeting, and thereupon the Corporation may abandon or make such alterations in that work as they judge fit, and may make and enter in their books an order for the execution of the work, except any that may have been abandoned, and with such if any alterations as they may have so judged fit;

(3) If the requirements of such notice except with respect to any work abandoned upon the hearing of any such objection as aforesaid and subject to any alterations which upon any such hearing may have been made in the works required by such notice be not complied with, the Corporation may, if they shall think fit, execute the works mentioned or referred to therein, and not abandoned as aforesaid, and with any such alterations as aforesaid, and the expenses incurred by them in so doing shall be settled by the surveyor, and be paid by the owners in default, and in such proportion as shall be settled by the surveyor;

(4) The Corporation may, by such notice as aforesaid, direct that the level of any such street be altered so as to be adapted in such manner and to such extent as the Corporation think fit to the level of any adjoining or other streets, the Corporation in the last-mentioned case making compensation to owners and occupiers of buildings and lands for any damages or expenses sustained or incurred by them by reason or in consequence of or in the execution of the works required by such notice for such last-mentioned alteration of levels, and the levelling of any street which the Corporation may under this section require may be either the lowering or raising the soil of such street for any purpose connected or not connected with the paving or repairing thereof or otherwise:

Provided, that a railway company shall not be deemed to be an owner or occupier within the meaning of this section in respect of any land of such company upon which any such street as in this section is mentioned shall wholly or partially front or abut, and which shall be used by such company solely as a part of their actual line of railway and shall have no communication with such street, and the expenses incurred by the Corporation under the powers of this section, which but for the foregoing proviso such railway company would be liable to pay, shall be repaid to the Corporation by the owners having frontages abutting on such street, and in such proportion as shall be settled by the surveyor, and in the event of such railway company subsequently making a communication with such street they shall, notwithstanding such repayment as last aforesaid, pay to the Corporation the expenses

which but for the foregoing proviso such railway company would in the first instance have been liable to pay, and the Corporation shall divide among the owners for the time being having frontages abutting on such street the amount so paid by such railway company to the Corporation in such proportion as shall be settled by the surveyor.

Alteration of scales and of plans and sections referred to in section 18 of 10 & 11 Vict. c. 34.

27. Notwithstanding anything in the eighteenth section of the Towns Improvement Clauses Act, 1847, the scale to which the plans and sections therein referred to shall be prepared by the Corporation shall be as follows, namely, a horizontal plan to a scale of not less than one inch to eighty-eight feet, and a section to the same horizontal scale, and to a vertical scale of not less than one inch to ten feet.

Certain streets not highways may be declared such and repaired by the Corporation.

28. When any street within the borough (not being a highway repairable by the inhabitants at large) has been sewered, drained levelled, paved, flagged, metalled, channelled, and made good to the satisfaction of the Corporation, the Corporation shall declare the same to be a public highway, and thereupon the same shall become a highway, and be from time to time repaired as other public highways within the borough are repaired; and such declaration shall be entered amongst the proceedings of the Corporation, and notice of such declaration shall be put up in some conspicuous place in or near such street.

Carriage crossings to be made across footways where premises are made to communicate with street.

29. Every owner or occupier of premises abutting on any street shall before opening any communication for horses, cattle, or vehicles between such premises and the street give seven days notice in writing to the Corporation of his intention to do so, and shall before permitting the use of such communication construct a carriage crossing over the footway of the street of such materials and in such manner as shall be approved by the Corporation or their surveyor; and any owner who makes default in compliance with this section shall for each offence be liable to a penalty not exceeding five pounds.

Penalty on persons driving across footways.

30. Any person who drives or causes to be driven any vehicle across, over, along, or on any footway, whether flagged or not, except over the part thereof on which a carriage crossing has been constructed shall for every such offence be liable to a penalty not exceeding five pounds in addition to the amount of damage, if any, thereby occasioned, and such penalty and damages shall be recovered in like manner as penalties under this Act may be recovered: Provided, that this and the last preceding section shall not apply when the land immediately adjoining such crossing or footway is used solely for agricultural purposes.

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For better cleansing and improving the waterway of the Blakewater and Darwen.

31. The Corporation may from time to time cleanse, scour, deepen, widen, alter, divert, straighten, and improve, in such manner as they shall think proper, the waterway or bed and course of so much of the rivers Blakewater and Darwen, and their tributaries respectively, as is within or abuts on the borough, and may remove or cause to be removed all shoals and other obstructions in the said rivers or their tributaries, and may remove and carry away all weirs, cawls, buildings, trees, roots of trees, stones, earth, and other matter in the bed or course of the waterway thereof respectively, and which it may be requisite to remove for the purposes aforesaid; and may also from time to time place all such matters or materials and things on the sides of the said rivers or their tributaries until the same can be removed or carried away by the Corporation; and may culvert and arch over the whole or any part of the said rivers or their tributaries, and erect the culverts and arches of such strength and in such manner as the Corporation shall think necessary, with proper foundations in the said rivers or their tributaries, and also on any lands which the Corporation shall purchase or rent on the sides thereof, and from time to time improve, widen, enlarge, extend, and repair such culverts and arches, and use the same as streets or roads, or for such other public purposes as the Corporation shall think proper: Provided that every person shall be entitled to receive from the Corporation reasonable compensation for damage done to his property by reason of the exercise by the Corporation of the powers conferred upon them by this section: Provided nevertheless, that as regards any property acquired, or right, power, or privilege exercised by any person after the passing of this Act, compensation shall be payable only in respect of actual surface damage to lands.

Provided further that in carrying out any of the works authorised by this section the Corporation shall not take down or directly or by consequence undermine, damage, or endanger any bridge over the said rivers, or either of them, now repairable by the inhabitants of the hundred of Blackburn or the county of Lancaster, respectively: And provided further, that any works which shall interfere with any of such bridges shall be executed in accordance with plans which shall be approved by the surveyor or bridge-master of the county of Lancaster.

Trap-doors in arches over streams.

32. No hole or trap-door shall be formed or continued in any arches or coverings over the rivers Blakewater or Darwen in such a way as to allow of matters or things passing into either of such rivers, and if the owner of any such arch or covering containing any such hole or trap-door shall not stop up or effectually close the same within fourteen days after notice from the

Corporation so to do, he shall forfeit any sum not exceeding twenty shillings for each day during which he allows the same to continue.

Waterway of Blakewater or Darwen not to be narrowed.

33. No person shall do or cause to be done any act or construct any work whereby the waterway of either of the said rivers Blakewater or Darwen or their tributaries respectively within or abutting upon the borough shall be or become narrowed, without the consent in writing of the Corporation first had and obtained, and if any person shall act in contravention of this section he shall be liable to a penalty of forty shillings for each day during which the same shall continue.

Power to remove, erect, and repair bridges over the Blakewater and Darwen.

34. For the more effectual improvement of the waterway of the said rivers and their tributaries respectively within or abutting on the borough, and of the borough, the Corporation may repair, widen, alter, take down, remove, and rebuild any of the present or future bridges, not being county or hundred bridges, used or to be used for carriages or for foot passengers across the said rivers, and their tributaries respectively within or abutting on the borough, and build any new bridges across the same, of such width and in such manner as the Corporation shall think proper, with proper foundations, piers, and abutments, in the said rivers or their tributaries, and also on any lands which the Corporation shall purchase or rent on the sides thereof for the purpose, and may cut and level the banks of the said rivers or their tributaries in such manner as the Corporation shall think necessary, and also alter and widen the approaches to such bridges: Provided that every person shall be entitled to receive from the Corporation reasonable compensation for damage done to his property by reason of the exercise by the Corporation of the powers conferred upon them by this section.

County bridges.

35. The Corporation may, with the consent of and upon such terms as may be agreed upon with the justices of the peace for the county of Lancaster, in general quarter sessions assembled, take down, rebuild, lower, alter, widen, or improve any county or hundred bridge within the borough, and the carriage and footways over the same, and erect any bridges in lieu thereof, and maintain and repair the structure, roadways, and footways thereof, and defray the costs of any such works from time to time out of the general district fund.

Directing the use of skid-pans or slippers.

36. In all cases where any waggon, cart, or timber carriage shall descend any hill in any street within the borough with any or either of the wheels locked, a smooth-bottomed skid-pan or slipper of not less width than the width of the wheel shall be used or placed at the bottom of such wheel during the whole

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time of its being so locked, in such manner as to prevent as much as possible the street from being damaged or injured; and every person who shall drive or act as the driver of any vehicle, waggon, cart, or timber carriage down any hill with any or either of the wheels locked, and without using or having such skid-pan or slipper at the bottom of such wheel as aforesaid, shall for every such offence forfeit and pay any sum not exceeding twenty shillings.

As to leading or driving cattle.

37. The Corporation may direct and prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the borough: Provided, that the streets which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market and railway station or other place as aforesaid, and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals: Provided also, that any such directions shall only operate between the hours of eight in the morning and nine in the evening, and shall not prevent the owner of any animals driving the same to his own premises, and nothing in this enactment contained shall authorise the Corporation to interfere with the driving of any animals to any slaughter-house so long as the slaughtering of such animals therein is lawful.

Penalty on discharging smoke and steam into streets.

38. If any person discharge the smoke of any furnace or any steam from any building (otherwise than from the top of the same) into any street within the borough, every person so offending shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which any smoke or steam shall be so discharged: Provided always, that nothing in this section contained shall be construed to interfere with or set aside the one hundred and eighth section of the Towns Improvement Clauses Act 1847.

Penalties for non-consumption of smoke.

39. For the prevention of smoke the following provisions shall have effect (namely):—

(1.) If any fireplace or furnace employed after the passing of this Act, in the working of engines by steam, or in any building used for the purpose of trade or manufacture or public baths or public washhouses (although a steam engine is not used or employed therein), is not so constructed as to consume or burn as nearly as may be possible the smoke arising from such fireplace or furnace, the owner or occupier of the building or lands in or on which such fire-

place or furnace is situate shall be liable to a penalty not exceeding five pounds;

(2.) If any such owner or occupier, or any engineer, fireman, stoker, foreman, or other person employed by him after the passing of this Act, uses any such fireplace or furnace not so constructed as aforesaid, or negligently uses any fireplace or furnace so constructed as aforesaid in such manner that the smoke arising therefrom is not effectually consumed or burnt as nearly as may be possible, such person shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding forty shillings for every day during any part of which such fireplace or furnace is so continued to be used, after one month's notice in writing given by the Corporation to the owner or occupier to remedy or discontinue the same;

(3.) Where more fireplaces or furnaces than one communicate with a single chimney the names of the several owners and occupiers of the buildings or lands on which they are situate, and the several engineers, firemen, stokers, foremen, or other persons having the control or management thereof, may be included in one summons, and the justice before whom the case is brought may in his discretion apportion the penalty as he sees fit, or impose a penalty on one or more of those persons, in exclusion of the others;

(4.) No chimney hereafter to be constructed to carry off the smoke arising from any fireplace or furnace employed, after the passing of this Act, in the working of engines by steam, or in any building used for the purpose of trade or manufacture, or public baths or public washhouses (although a steam engine is not used or employed therein), shall be constructed of less height than thirty yards;

(5.) If any such owner or occupier, or the servant of either of them, refuses to allow such building or lands to be inspected by a person authorised by the Corporation, then any person so authorised may by warrant, under the hand of a justice (which warrant any justice is hereby authorised to grant), enter into and upon such building or lands and examine any such fireplace or furnace.

Two preceding sections not to apply to engines.

40. The last two preceding sections of this Act shall not apply or extend to any steam or other locomotive engine belonging to any railway company used or intended to be used by them in or about their business as a railway company, or to any smoke or steam arising therefrom.

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Part III.—Street Improvements.

Correction of errors as to lands.

41. If any omission, mis-statement, or wrong description of any land or of any owner, lessee, or occupier of any lands described in, or intended or purporting to be described in, the deposited plans and book of reference, be discovered, the following provisions shall have effect (that is to say):

(1) The Corporation may apply to two justices for the correction thereof, giving ten days' notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction;

(2) If it appears to such justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, mis-statement, or wrong description;

(3) The certificate shall be deposited with the clerk of the peace for the county of Lancaster, who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference;

(4) Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, and use the lands for the several purposes to which they are appropriated by this Act, in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description;

(5) A copy of or an extract from such certificate, purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract he shall give when required under his hand to any person interested), shall be conclusive evidence of such correction.

Power to make street improvements.

42. Subject to the provisions of this Act the Corporation may make and maintain the street improvements herein-after mentioned and shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situations shown on the deposited plans and upon the levels shown on the deposited sections, and for those purposes may enter upon, purchase, take and use, such of the said lands delineated on the deposited plans and described in the deposited book of reference, as shall be necessary for such works, and also for the purpose of securing sites for the erection of suitable houses and buildings adjoining thereto (that is to say):

(1) To widen and improve Railway Road on its easterly side between Salford and High Street;

(2) To widen and improve Salford on its southerly side between Railway Road and Calendar Street;

(3) To alter the level of and, if necessary, take down, reconstruct, and improve Salford Bridge, with the consent and to the satisfaction of the justices of the peace for the county of Lancaster in general quarter sessions assembled;

(4) To widen and improve Holme Street on its westerly side between Ainsworth Street and Church Street, and on its easterly side between Ainsworth Street and the footbridge over the river Blakewater;

(5) To widen and improve Ainsworth Street on its easterly side for a distance of twenty-six yards or thereabouts in a northerly direction from its junction with Holme Street.

Compulsory purchase of lands.

43. The powers of the Corporation for the compulsory purchase of lands for the purposes of this part of this Act shall not be exercised after the expiration of five years after the passing of this Act.

Period for completion of works.

44. The works authorised by this part of this Act shall be completed within seven years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Corporation for executing those works, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed: Provided, that the cesser of those powers shall not prevent the Corporation from executing from time to time thereafter any works in connexion with so much of those works as is then completed.

Deviation.

45. In the construction of the works authorised by this part of this Act the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards, and they may deviate laterally within the limits of deviation shown on the deposited plans.

Power to make subsidiary works.

46. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the street improvements authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street improvements, or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the improved streets, or any of them, or of crossing under or over the same or otherwise, and may alter, divert, stop up, inclose, use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any drain, sewer, channel, void ground, or other

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property shown on the deposited plans, the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer: Provided, that the provisions of section three hundred and eight of the Public Health Act 1875 ("Compensation in case of damage by local authority") shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to alter steps, areas, pipes, &c.

47. The Corporation, within the limits of deviation defined upon the deposited plans, may raise, sink, or otherwise alter, or cause to be altered, the position of any of the steps, areas, cellars, windows, and channels, pipes, or spouts belonging to any house or building, and also the drains, mains, and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by the Corporation, and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit, and the Corporation shall make reasonable compensation to any corporation or person who suffers damage by any such alteration.

Power to set out carriage-way and footway.

48. The Corporation may cause such part of the streets improved by them under the provisions of this part of this Act to be laid out for a carriage-way and footway respectively, as they think proper.

Power to sell materials.

49. The Corporation may sell the materials of the houses and buildings which may be purchased or taken by them under the powers of this part of this Act.

Lands laid into new streets to be public highways.

50. The sites of all houses and all lands purchased by the Corporation under the powers of this part of this Act, and laid into and appropriated for streets, shall, when and so soon as the same are so laid into and appropriated for streets, be and for ever thereafter form part of the public streets, and shall be repaired and maintained and kept in repair in such and the same way and manner as the streets in the borough are for the time being by law maintained, repaired, and kept in order.

Extinguishment of rights of way.

51. The Corporation may, from and after the passing of this Act, close, stop up, and discontinue and extinguish all rights of way and other easements in, upon, and over the existing public footpath leading from Railway Road to High Street and Alleys Springs, and the soil of such public footpath shall vest in the Corporation, so far as the same is bounded on both sides by lands of the Corporation.

PART IV.—TRAMWAYS.

Power to make tramways.

52. Subject to the provisions of this Act the Corporation may make, form, lay down, and maintain 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, turn-tables, 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 three furlongs eight chains and thirty-three links in length, commencing in Saint Peter Street, and passing along that street and Byrom Street, King Street, Whalley Banks, Bank Top, Redlam Brow, Redlam, Witton Village, and Preston Old Road, and passing over Finiscliffe Bridge, and terminating in that road;

Tramway No. 1 will be a single line except at the places where it is shown on the deposited plans as a double line;

Tramway No. 2, a single line, one furlong and three chains in length, commencing in Saint Peter Street by a junction with Tramway No. 1, and passing along Freckleton Street and King Street, and terminating in that street by a junction with Tramway No. 1;

Tramway No. 3, a single line, one furlong and thirty-three links in length, commencing in Church Street by a junction with Tramway No. 6, and passing along Church Street and Darwen Street, and terminating in that street;

Tramway No. 4, four miles three chains and eighty links in length, commencing in a proposed new street over and along the River Blakewater between Salford Bridge and Merchant Street, by a junction with Tramway No. 6, and passing along the proposed new street and Salford Bridge, and along Railway Road, High Street, Eanam, Higher Eanam, Copy Nook, Bottomgate, Furthergate, Accrington Road, and Blackburn Road, and terminating in that road at a point opposite the Commercial Inn in Church;

Tramway No. 4 will be a single line except at the places where it is shown on the deposited plans as a double line;

Tramway No. 5, a single line, one furlong four chains and thirty-three links in length, commencing in Railway Road by a junction with Tramway No. 4, and passing along Bridge Street, Jubilee Street, and Darwen Street, and terminating in that street;

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Tramway No. 5A, a single line, one chain in length, commencing in Jubilee Street by a junction with Tramway No. 5, and passing into Darwen Street, and terminating in that street;

Tramway No. 5B, a single line, two chains in length, commencing in Bridge Street by a junction with Tramway No. 5, and passing into High Street, and terminating in that street by a junction with Tramway No. 4;

Tramway No. 6, two miles three furlongs and five chains in length, commencing in the said proposed new street, and passing along the proposed new street, Church Street, Victoria Street, New Market Place, King William Street, Sudell Cross, and Preston New Road, and terminating in that road;

Tramway No. 6 will be a single line except at the places where it is shown on the deposited plans as a double line;

Tramway No. 7, two miles three furlongs in length, commencing in the said proposed new street by a junction with Tramway No. 4, and passing along Salford, Penny Street, Larkhill, Whalley Road, Whalley New Road, and terminating in that road;

Tramway No. 7 will be a single line except at the places where it is shown on the deposited plans as a double line;

Tramway No. 8, a single line, two furlongs one chain and thirty-three links in length, commencing in Richmond Terrace by a junction with Tramway No. 9, and passing along Victoria Street, Regent Street, into and terminating in Larkhill;

Tramway No. 9, a single line, two furlongs seven chains and sixty links in length, commencing in the said proposed new street by a junction with Tramway No. 6, and passing thence along Holme Street, Ainsworth Street, Richmond Terrace, Sudell Cross, into and terminating in Preston New Road.

Notwithstanding anything herein-before contained, Tramways Numbers 1 and 4, shown on the said deposited plans, shall terminate respectively at the points shown on the plans signed in duplicate by the Right Honourable George Sclater Booth, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and within one week after the passing of this Act one copy of the said plans so signed shall be deposited in the Private Bill Office of the House of Commons, and the other at the office of the town clerk.

Enabling Corporation to grant licenses over certain tramways having a physical

53. If after any tramway by this Act authorised shall have been constructed and opened for traffic, and shall then or at any time thereafter have a physical junction with any tramway belonging to the mayor, aldermen, and burgesses of the borough of Accrington (herein-after called "the Accrington Corporation"), it shall be

lawful for the Corporation, subject to the provisions herein and in the Tramways Act 1870 contained, and to all byelaws and regulations of the Accrington Corporation for the time being in force, to grant licenses to any company, persons, or person, being the lessees or lessee of any tramway belonging to the Corporation, to run carriages with flanged wheels over and upon the rails of any tramway having such physical junction as aforesaid, or over and upon the rails of any other tramway or tramways at any time physically connected either directly or indirectly therewith belonging to the Accrington Corporation upon payment to the Accrington Corporation of a mileage toll per carriage, to be fixed and from time to time altered and amended in case of dispute by the Board of Trade.

Power to form junction with tramways authorised by this Act.

Provided always, that if and whenever the Corporation shall grant any license, which they are by this section authorised and empowered to grant, the Accrington Corporation shall be entitled, if they think fit, to grant a similar license to the lessees or lessee, of any tramway belonging to them, to run their carriages over and upon the rails of any tramway having such physical junction as aforesaid, or over and upon the rails of any other tramway or tramways at any time physically connected either directly or indirectly therewith belonging to the Corporation upon payment to the Corporation of a mileage toll per carriage to be fixed, altered, and amended by the Board of Trade in like manner as the before-mentioned mileage toll.

Provided further, that the powers conferred by every license by this section authorised to be granted shall be so exercised as not to interfere with, or impede, or in any way prejudice or obstruct the Corporation, their lessees or lessee, or the Accrington Corporation, their lessees or lessee, as the case may be, in the full use and enjoyment of the tramways from time to time respectively belonging to the Corporation and the Accrington Corporation.

Provided further, that in case of any dispute between the Corporation and the Accrington Corporation respecting any matter arising out of the granting of any such license as aforesaid, the matter of every such dispute shall be determined by the Board of Trade, who shall have full power to make such orders and regulations in relation to the exercise of the powers conferred by this section as they shall deem fit, and by any such order or regulation the said Board may limit the exercise of any of the powers aforesaid.

For protection of the Lancashire and Yorkshire Railway Company.

54. The following provisions for the protection of the Lancashire and Yorkshire Railway Company (herein-after called "the Company") shall at all times, unless otherwise agreed between the Company and the Corporation, be observed and have effect—

(1.) The Corporation shall so construct and maintain Tramway No. 4 in Eanam Road, where that road is carried by means of

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a tunnel over the railway of the Company, near their Blackburn Station, and in Blackburn Road at Church, where that road passes under their Accrington and Blackburn Railway and Tramway No. 7, in the turnpike road near to the Blackburn Cemetery, where that road passes under their Blackburn and Clitheroe Railway as not to alter or interfere with the construction of the said bridges or of the approaches thereto respectively, unless such alteration or interference be absolutely necessary for the purpose of constructing the said tramways;

(2.) In the event of any such alteration or interference the Corporation shall, together with the notice required in such cases by section 26 of the Tramways Act 1870, submit to the Company detailed drawings and specifications showing the proposed work as affecting such bridge, and if any difference arises between the Corporation and the Company as to such alteration or interference the same shall be left to the decision of the Board of Trade;

(3.) The Corporation shall so construct and maintain the said tramways as not to injuriously affect the stability of the said bridges respectively and the approaches thereto;

(4.) In the event of any injury being occasioned to either of the said bridges or the approaches thereto, or any part or parts thereof respectively, by the construction of the said tramways on or under the same (whether such injury shall occur either during or after the construction of or in maintaining the said tramways, or in or by the working or user thereof), the Company may at the expense of the Corporation restore such bridge and approaches, or the part or parts which may be injured, to as good a state and condition as they were immediately before such injury was occasioned, and the Corporation shall recoup to and indemnify the Company against all sums, costs, and expenses which they may pay or be put to in restoring such bridge and approaches in manner aforesaid, and the Company may recover from the Corporation all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt;

(5.) In case steam or other mechanical power shall be used on Tramway No. 4, the Company may, at the expense of the Corporation, execute such works as their engineer and the engineer of the Corporation may mutually agree upon, or failing agreement as may be determined by the Board of Trade for strengthening the fabric of the said tunnel in Eanam Road;

(6.) If it shall become necessary for effecting such strengthening that the working and use of Tramway No. 4 shall be wholly

or in part stopped or delayed, and the Company shall give the Corporation three clear days' notice in writing requiring such stoppage or delay, the working and user of that tramway shall be stopped or delayed accordingly, but only for so long as may be absolutely necessary for effecting such strengthening and the Company shall not be liable for any compensation claim, demand, damages, costs, or expenses for or in respect of such stoppage or delay;

(7.) The Corporation shall not, without the consent in writing of the Company, cause or permit any carriage or engine used upon the tramways to stop upon any part of Tramway No. 5B.

For the protection of the justices of the county of Lancaster.

55. For the protection of the justices of the peace for the County Palatine of Lancaster (in this section referred to as "the justices") the following provisions shall have effect (that is to say):—

In constructing the tramways by this Act authorised upon or over any bridge or any parts of the road at either end of any bridge within the jurisdiction of the justices the Corporation shall not alter or interfere with the structure of such bridge or of the approaches thereto unless such alteration or interference with the construction of such of the said bridges be absolutely necessary for the purpose of constructing the tramways, and, in the event of any such alteration or interference, the Corporation shall, together with the notice required in such cases by section twenty-six of the Tramways Act 1870, submit to the justices detailed drawings and specifications showing the proposed work as affecting such bridge or approaches, and, if any difference arise between the Corporation and the justices as to such alteration or interference or the necessity therefor, the same shall be left to the decision of the Board of Trade, and the Corporation shall so construct and maintain the tramways in the road over such bridge and the approaches as not to injuriously affect such bridge and approaches, and, in the event of any injury being occasioned to such bridge and approaches, or any part or parts thereof respectively, by the construction of the tramways on or over the same (whether such injury shall occur either during or after construction or in effecting the maintenance of the tramways) the justices may restore such bridge and approaches or the part or parts which may be injured to as good a state as they were in before such injury was occasioned, at the expense of the Corporation, and the Corporation shall recoup to and indemnify the justices against all sums, costs, and expenses which they may pay or be put to in restoring such bridges and approaches, and the justices may recover from the

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Corporation all such sums, costs, and expenses with full costs and charges in like manner as any simple contract debt of the like amount. Nothing herein contained shall extend to lessen or control any right, power, or authority now vested in the justices for altering or rebuilding any bridge and the approaches thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed by or affected by the works of the Corporation, but all such rights, powers, and authorities shall remain in as full force as if this Act had not been passed, and the justices shall not be liable to make any compensation whatever for any damage or injury to the tramways by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto;

Provided that in altering or rebuilding of such bridge or the approaches thereto nothing shall be done to impede or interfere with the tramways for any greater length of time, or in any other manner than shall be necessary for the execution of the works, and before commencing such alterations or rebuilding twenty-eight days' notice thereof shall be given to the Corporation, and the justices shall afford to the Corporation all necessary and reasonable temporary facilities for enabling them to continue the traffic on their tramways during such alterations or rebuilding;

If any bridge repairable by the inhabitants of the said county, or of any hundred therein, upon or along which any of the tramways are laid be altered or rebuilt by the justices, the justices may require the Corporation to alter any such tramways in such manner as the circumstances of the case may reasonably require, provided that in case of any difference between the justices and the Corporation as to such alteration, widening, or rebuilding, the same shall be settled in manner herein-after mentioned: And provided also, that it shall be lawful for the Corporation to contribute such sum as may be mutually agreed upon between the Corporation and the justices towards the expense of altering, widening, or rebuilding any of the bridges, as in this section mentioned. If any dispute or difference shall arise between the justices and the Corporation respecting the necessity for the exercise of, or in any way relating to, the powers or provisions of this section, or otherwise, such dispute or difference shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Gauge of tramways.

56. The tramways shall be constructed on a gauge of four feet.

Period for completion of tramways.

57. If the tramways which are dependent upon the making of any particular street improvement are not completed within three years after the making of that improvement, and if the other tramways by this Act authorised are not completed within five years from the passing of this Act, 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.

58. 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 may be moved by animal, steam, or mechanical power.

59. 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 Third Schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the said Board 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.

60. 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 said Third 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 the said Third Schedule, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may

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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.

61. 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;

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.

As to recovery of penalties.

62. 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.

63. 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. A.D. 1882.

Orders and byelaws.

64. 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.

As to contracts with road authorities where steam or mechanical power is to be used.

65. Where any company or person, with the permission of the Corporation, intend to use steam or any mechanical power under the authority of this Act on the tramways to be situate beyond the boundaries of the borough, or any part thereof, such company or person, and also the Corporation, shall give two months' previous notice of such intention to every road authority within whose district the tramways, or any part thereof, upon which they or he intend to use such power are or is situate.

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Corporation or any such company or person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Corporation or any such company or person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Corporation or any such company or person by such notice, or for such road authority, by notice to be served upon the Corporation or any such company or person not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall, from and after the commencement of the use of steam or any mechanical power upon such tramways, or such part thereof, be determined and of no effect.

Before using or permitting the use of steam or any mechanical power on the tramways to be situate beyond the boundaries of the borough, or any part thereof, and thereafter from time to time, the Corporation or any such company or person, and every such road authority, may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Corporation, or any such company or person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Corporation, or any such company or

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person, to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Corporation, or any such company or person, as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Corporation, or any such company or person, or the Corporation, or any such company or person, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act 1870, with respect to all differences between the promoters and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways to be situate beyond the boundaries of the borough, or any part thereof, unless there is in force, in relation to such tramways or such part thereof, a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section, shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

Where steam or mechanical power is used con-

66. Where steam or any mechanical power is used by any company or person on the tramways situate beyond the boundaries of the borough, or any part thereof, no contract, agreement, or

arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Corporation or any such company or person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Corporation or any such company or person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Contract with road authority not to be for longer than two years at a time.

67. 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, as to one half, to the complainant, and, as to the other half, to the overseers of the poor of the parish in which the part of the tramway in respect whereof such penalties become payable is situate, 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.

Penalty for not maintaining rails and road in good condition.

68. The rails of the tramways shall be such as the Board of Trade may approve, and the Board of Trade may from time to time, upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate, require

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the Corporation to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Corporation shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Passing-places to be constructed where less than a certain width left between footpath and tramway.

69. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramways than nine feet six inches, the Corporation shall and they are hereby required to construct a passing-place or passing-places connecting the one tramway with the other, and by means of such passing-place or passing-places the traffic shall, when necessary, be diverted from one tramway to the other.

Tramways to be kept on a level with surface of road.

70. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Corporation shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered, and shall not be entitled to any compensation in respect thereof from such road authority.

Further provision as to construction of tramways.

71. 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, except for the purpose of necessary repairs, 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, and to the reasonable satisfaction of the road authority: 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.

72. The Corporation may from time to time hereafter (and in places beyond the limits of the borough, with the consent of the road authority) 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 nine 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: Provided also, that the number and situation of such crossings, passing-places, sidings, junctions, and other works within the district of any road authority shall be determined by such road authority.

Road authority may require removal of additional crossings.

73. If any crossing or other additional work made with the approval of the road authority in manner aforesaid, or any part thereof, is subsequently objected to by such road authority, such road authority may, by written notice to the Corporation, require them to remove the same, and if such road authority so think fit, to remake or relay the same in some other position to be specified in the notice, and the Corporation shall comply with such requirement: Provided, that the expense of every such removal, remaking, or relaying shall be borne by such road authority.

Substituted tramways may be made where necessary.

74. 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, or in places beyond the limits of the borough in the opinion of the road authority, necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Corporation may, subject so far as relates to places beyond the limits of the borough to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make, make or construct in the same or any adjacent road, and with the like consent, subject to like conditions and in accordance with the like regulations so far as the same apply, 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.

75. 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; and if under the jurisdiction or control of any road authority may be applied by the Corporation so far as may be

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necessary in or towards the reinstating of such road and the maintenance for six months after completion of any tramway within the district of such road authority of so much of the roadway of such road on either side of such tramway as the Corporation are required to maintain; and the Corporation shall if so required deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority, or to such person or persons as he may appoint to receive the same: Provided, that if within fourteen days after notice in writing to the road authority that the surplus of such paving, metalling, or material is ready for removal, such surplus is not removed by the said surveyor or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material 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. Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to all differences between the promoters and any road authority.

Traffic upon tramways.

76. The tramways may be used only for the purpose of conveying passengers and passengers' luggage to the extent by this Act authorised, and parcels.

Corporation may use tramways for sanitary purposes.

77. The Corporation may also, 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 or any of them within the borough 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.

78. 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 three miles any sum not exceeding threepence.

Periodical revision of tolls.

79. 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 local authority of any district in which the tramways, or such

portions of the tramways, are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, including the borough, or by the Corporation, 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

80. 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.

As to use of steam or mechanical power by lessees.

81. 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.

82. 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.

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

83. 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.

84. 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 halfpenny nor less than one farthing per mile ;

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.

Persons using the tramways to permit servants of the Corporation to ride in each carriage, &c. free of charge.

85. 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 or parcels 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 licenses extended to persons using the tramways when left open to be used by the public.

86. 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 persons so using the tramways or any part thereof;

The expression "passengers" shall include animals, goods, minerals, and parcels.

Lessees not to be bound to carry goods, &c. unless as provided herein.

87. 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.

As to payment of tolls.

88. 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.

89. 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 Corporation 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 Corporation 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.

90. 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.

17 & 18 Vict. c. 125.

Form and delivery of notices.

91. With respect to notices and to the delivery thereof by or to the Corporation, the following provisions shall have effect (that is to say):

(1) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by any local authority or any road authority shall be signed by their clerk or secretary;

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(2) Any notice to be delivered by or to the Corporation to or by any local authority, or any road authority or other body, or any company, may be delivered by being left at the principal office of the Corporation or of such authority, body, or company, as the case may be, or by being sent by post in a registered letter addressed to their respective secretary or clerk at such principal office.

Agreements between Corporation and road authorities.

92. The Corporation and any road authority may, subject to the provisions of this Act, from time to time enter into any contracts and agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situated within the district of such road authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating the passage of the traffic over and along the same.

Power to make working agreements.

93. The Corporation on the one hand, and the mayor, aldermen, and burgesses of the borough of Accrington, or any other corporation, local board, company, or person owning, leasing, or working any existing tramway or any tramway to be hereafter authorised (and which tramway forms a physical junction with the tramways authorised by this Act), on the other hand, may from time to time, subject to the provisions of this Act, and of any leases or licenses granted by them respectively, enter into agreements with respect to the following purposes, or any of them (that is to say):

The maintenance, repair, and management of any tramways for the time being belonging to them respectively, or of any part thereof;

The working of their respective tramways, or any part thereof, and the conveyance of traffic thereon;

The fixing, collection, and apportionment of the tolls, rents, or other receipts arising from the tramways:

Provided that every such agreement shall be terminable by any party thereto, or by the Board of Trade, at the expiration of ten years from the date thereof.

Provisions as to general Acts.

94. Notwithstanding anything in this Act contained the Corporation, and any corporation, local board, 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 agreements with the Blackburn and Over Darwen Tramways Company with respect to traffic.

95. Any person or persons using the tramways under the authority of this Act as lessees or licensees on the one hand and the Blackburn and Over Darwen Tramways 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 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 the Company.

It shall be lawful for the Corporation from time to time to lease the tramways or any portion thereof to the Blackburn and Over Darwen Tramways Company, and for that company with the sanction of three-fourths of the votes of the shareholders entitled to vote at meetings of the said company present (personally or by proxy) at a meeting of the said company specially convened for the purpose to take and work the same, subject to the provisions of this Act.

Extending provisions of section 59 of 42 & 43 Vict. c. ccxxv.

96. The powers by section 59 of the Blackburn and Over Darwen Tramways Act 1879 conferred upon the Corporation to grant licenses to any company, persons, or person, being the lessees or lessee, licensees or licensee, owners or owner, of any tramway to be constructed and opened as in the said section mentioned, to run carriages with flanged wheels over and upon the rails of the tramways by the last-mentioned Act authorised within the borough, shall be and the same are hereby (subject to the provisions of the last-mentioned Act) extended to the whole of the tramways of the Blackburn and Over Darwen Tramways Company constructed or hereafter to be constructed within or without the borough: Provided always, that the consent in writing of the mayor, aldermen, and burgesses of the borough of Over Darwen shall be obtained by the Corporation prior to the exercise by the Corporation of the powers conferred by this section over any tramway of the Blackburn and Over Darwen Tramways Company constructed, or hereafter to be constructed, within the borough of Over Darwen.

For protection of the local boards of

97. For the protection of the local boards of health for the districts of Oswaldtwistle and Church, respectively, the following provisions shall have effect, and the term "the local board" used

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Church and Oswaldtwistle.

throughout the following provisions shall mean and include each of the said local boards of health in their respective districts :—

(A.) The local board shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870, shall be applicable in the case of any sewer or private drain of or under the control of the local authority as if the same were a pipe for the supply of gas or water ;

(B.) The provisions of section 30 (Provision as to Gas and Water Companies), section 32 (Rights of authorities and companies, &c., to open roads), and section 33 (Difference between promoters and road authority, &c.) of the Tramways Act 1870, shall, subject to the other provisions of this section, extend and apply to the apparatus and sewers of the local board and to the local board in respect thereof, and in construing those sections for the purposes of this section the word "company" shall include the local board ;

(C.) All works which may in any way interfere with such apparatus or sewers may, if the local board so think fit, be executed by the local board, but at the cost in all things of the Corporation ;

(D.) If by reason of the construction or maintenance of the tramway any new substituted or additional apparatus or sewers be requisite, the cost of constructing, providing, and laying of such apparatus and sewers shall be paid by the Corporation, subject to credit being given to the Corporation for the value of any apparatus and sewers rendered useless by the construction or maintenance of the tramways : Provided, that if such substituted apparatus or sewers be of larger dimensions or better quality than those for which the same are substituted the additional cost arising therefrom shall, unless such larger dimensions or better quality be required by reason of the tramways, be borne by the local board ;

(E.) The local board may, on giving twenty-four hours' previous notice to the Corporation or tramway authority, stop, delay, or suspend the working of the tramways in any of the streets or roads within their district, as well for police purposes and for regulating and facilitating traffic on any public occasion, as for the execution of any works of the local board or any individual, or for any other purpose which the local board in the exercise of their powers for the good government of their

district or the safety of the public deem necessary: Provided, that such stoppage, delay, or suspension shall continue only as long as may be reasonably necessary for the purposes aforesaid or any of them;

(F.) The Corporation in the exercise of their powers shall do as little damage as may be, and shall make compensation to the local board for any damage sustained by them by reason or in consequence of the exercise of such powers;

(G.) The local board shall not, either during the progress of the works, or at any time thereafter, be liable for any loss which may accrue to the Corporation or tramway authority by reason of any supension of, or interference with, the traffic on the tramways, nor for any accident, damage, or injury not occasioned by the wilful act or default of the local board to the tramways, works, or property of the Corporation or tramway authority, or to any person or thing travelling on, or conveyed, or using the tramways, or any street or road in which they may be laid;

(H.) Nothing in this Act shall be held or construed in any manner to diminish, alter, prejudice, or take away any of the rights, powers, or authorities of the local boards;

(I.) The word "apparatus" in this section includes gas and water mains, pipes, syphons, plugs, valves, fire-cocks, hydrants, and all apparatus now or hereafter to be used for the supply of gas or water, and the word "sewers" includes all present and future public and private sewers and drains, manholes, ventilating shafts, and other works connected therewith;

(J.) In the event of the Corporation constructing any tramway or tramways by this Act authorised within the district of the local board, the provisions of sections 43 and 44 of the Tramways Act 1870 shall apply as to any tramway or tramways within the district of the local board, and the "promoters of tramways," referred to in the said sections, shall mean and include the Corporation: Provided, that the periods at which the local board may require the Corporation to sell to them the tramway or tramways within the district of the local board under section 43 of the Tramways Act 1870 shall, notwithstanding anything in that Act contained, be within six months after the expiration of a period of ten years from the time when the tramway or tramways within the district of the local board has or have been open for traffic, and within six months after the expiration of every subsequent period of seven years: Provided further, that in the event of a sale of any tramway by this Act authorised within the district of the local board

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to the local board, such sale shall be subject to all or any existing leases, contracts, or agreements relating thereto, and to the provisions herein-before in this Act contained, for enabling the Corporation and the Accrington Corporation to grant licenses, and nothing herein contained shall operate to confer upon the local board a power to grant any license to any company, persons or person, being the lessees or lessee of any tramway so purchased by the local board over any tramway belonging to the Corporation or the Accrington Corporation. But in the event of the Accrington Corporation granting any license under the powers aforesaid over any tramway so to be purchased by the local board, a proportion of the mileage toll per carriage to be paid by the Accrington Corporation shall be paid to the local board, the amount in case of dispute to be settled by the Board of Trade:

(k.) In the event of the local board exercising the powers of purchase herein-before conferred, if after any tramway by this Act authorised shall have been constructed within the district of the local board and opened for traffic, and shall then or at any time thereafter have a physical junction with any tramway belonging to the Corporation, or with any tramway physically connected with any tramway belonging to the Corporation, it shall be lawful for the Corporation, subject to the provisions herein and in the Tramways Act 1870 contained, and to all byelaws and regulations of the local board for the time being in force, to grant licenses to any company, persons, or person being the lessees or lessee of any tramway belonging to the Corporation to run carriages with flanged wheels over and upon the rails of any tramway having such physical junction as aforesaid within the district of the local board upon payment to the local board of a mileage toll per carriage to be fixed and from time to time altered and amended in case of dispute by the Board of Trade: Provided always, that the powers conferred by every license by this sub-section authorised to be granted shall be so exercised as not to interfere with or impede, or in any way prejudice or obstruct, the local board, their lessees or lessee, in the full use and enjoyment of the tramways from time to time belonging to the local board: Provided further, that in case of any dispute between the Corporation and the local board respecting any matter arising out of the granting of any such license as aforesaid the matter of every such dispute shall be determined by the Board of Trade, who shall have full power to make such orders and regulations in relation to the exercise of the powers conferred by this sub-section as

they shall deem fit, and by any such order or regulation the said Board may limit the exercise of any of the powers aforesaid. A.D. 1882.

Part V.—Buildings.

98. For the purposes of this Act the re-erecting of any building burnt or pulled down (or partly burnt or pulled down) to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building. What to be deemed a new building.

99. With respect to every dwelling-house hereafter to be erected within the borough the following provisions shall have effect (namely): Every house to occupy eighty-four square yards, and to have an open space.

(1) The area of such dwelling-house, with the yards thereto belonging and adjoining, exclusive of any back road or cross road, and the footpath of any street in front thereof, shall comprise a space of ground of not less than eighty-four square yards, of which space twenty square yards at least at the back or side of and immediately adjoining to such dwelling-house shall be for ever left open and unbuilt upon;

(2) A back road leading to every such dwelling-house shall be formed, and shall communicate at each end with a street or open space, so as to form a thoroughfare; and be so maintained throughout to its full width; Back roads.

(3) Every privy and cesspool in any yard behind any such dwelling-house shall be constructed with such sufficient doors and openings in the boundary wall so as to permit of the contents thereof being emptied by the Corporation through such back road;

If any person shall at any time hereafter erect any dwelling-house upon a less area than eighty-four square yards as aforesaid, or shall build upon any part of the space herein-before in this section directed to be left open as aforesaid, such person shall forfeit for every day during which such dwelling-house shall be so continued, or during which any building shall continue on such space herein-before directed to be left open as aforesaid, a sum not exceeding one pound; and it shall be lawful for the Corporation, if they deem it necessary, to cause such dwelling-house or building to be altered or demolished, as the case may require, in manner

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herein-after in that behalf provided, and in case such back road as aforesaid shall not be formed, or shall be formed contrary to the provisions of this Act, the person erecting such dwelling-house shall forfeit any sum not exceeding the sum of twenty pounds:

Exceptions.

Provided always, that the provisions of this section with respect to back roads shall not apply to—

(A) Dwelling-houses hereafter to be erected in the style known as detached or semi-detached;

(B) Dwelling-houses hereafter to be erected on vacant plots of ground for the time being existing in any street upon which buildings may have been already erected and approved by the Corporation, and where owing to the mode in which such latter buildings have been so erected it is not now possible to form on such vacant ground the back road aforesaid;

But in the two last cases sufficient provision to the satisfaction of the Corporation shall be made for the removal of refuse and night soil from such dwelling-houses: Provided further, that this section shall not extend to dwelling-houses hereafter erected on the site of any dwelling-house which now exists, and which was erected before the third day of August, one thousand eight hundred and fifty-four; but every such dwelling-house shall have the same open space at the back or side thereof as is required by this section, if at the time the former dwelling-house ceased to exist there was such or a greater extent of open space, and where at that time there was not such an open space, then the open space at the back or side thereof shall not be less than that which existed at the time when such former dwelling-house ceased to exist.

As to level of ground floor in houses.

100. The level of the ground floor of every house built within the borough after the passing of this Act shall be at least six inches above the level of the footway or road immediately adjoining such house, whether there be a cellar to such house or not, and the level of such footway or road shall be previously approved of by the surveyor.

Notice of intention to build or erect or drain to be given to Corporation.

101. Before beginning to dig the foundations of or to erect any new building, and also before making any drain in connexion with any such building, the person intending to build or erect such building or to make such drain shall observe the following provisions (namely):—

(1) He shall give to the Corporation notice in writing of such intention, by leaving the same at the office of the surveyor;

(2) Such notice shall state the name and place of business or residence of the owner, and also in general terms the description,

intended use, mode of drainage, means of water supply, and situation of such building;

(3) Such notice shall be accompanied by a detailed plan and section of such building, showing every floor and the position and forms of the several parts, the windows, doors, and thickness of the walls (not being less in the case of party walls than nine inches), the size and strength of the joists and main timbers, with figured dimensions of the several parts, the waterclosets, privy drains, cesspools, ashpits, wells, and all outbuildings, and all other appurtenances, and the levels of the several floors of such building, and the widths and levels of the adjoining streets and passages;

(4) Such notice shall also be accompanied by a section showing by reference to some fixed point, the depth and level of the proposed foundations of such building, and the size, depth, and level of each proposed drain;

(5) Such notice shall also be accompanied by a plan showing the proposed lines of drainage, and a ground plan showing the size, level, and situation of each yard;

(6) Such section and plans shall be drawn to a scale of not less than one-eighth of an inch to the foot;

(7) A block plan shall be left at the same time, drawn to a scale of not less than one inch to every forty feet, showing the position of the buildings and appurtenances of the properties immediately adjoining.

Every such plan and section shall be drawn on tracing cloth in ink, and shall be signed by the person intending to build or erect such building, or to make such drain, or his authorised agent, and each such plan and section shall be the absolute property of the Corporation.

Power of Corporation to disapprove plans &c.

102. If the Corporation disapprove of any new building or drain proposed in such notice, sections, and plans, or any part thereof, they shall, within twenty-eight days after receiving the same, give notice in writing to the person by or on whose behalf the same have been given of the particulars of such disapproval, and of the requirements of the Corporation in respect of the proposed work, and it shall not be lawful to begin to build or erect any such building, or to construct any such drain, privy, watercloset, or ashpit, until the sections and plans thereof shall have been approved by the Corporation, and no person shall deviate from such approved sections and plans.

Builder may proceed if Corporation

103. If the Corporation fail to signify in writing their approval or disapproval of the mode so proposed within twenty-eight days

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after receiving the notice, section, and plans, such person may proceed according to the terms of such notice, section, and plans.

fail to signify their disapproval.

Notice to surveyor before commencing works.

104. The person intending to execute any works duly approved of by the Corporation, or with respect to which the Corporation shall have failed to notify their disapproval as aforesaid (as the case may be) shall give two days' notice in writing to the surveyor before the commencement of such works, and twenty-four hours' notice before any foundations of new buildings or any sewers or drains are covered up, and twenty-four hours' notice after any works which may have been required by the surveyor to be done in amendment of any irregularity have been completed, and before such works shall be covered up.

Space not to be built upon.

105. No open space at the rear or side of any dwelling-house or other building shall hereafter be built upon unless a space of twenty square yards at least, exclusive of any back road, be left uncovered, and it shall be lawful for the Corporation to cause every building built contrary to this section to be altered or demolished as the case may require, and to recover the expenses of such alteration or demolition from the owner of the premises.

Area, height, and ventilation of rooms.

106. In every house or new building for human occupation hereafter erected within the borough the ground floor and the floor above the ground floor thereof shall each contain an area within the walls thereof of three hundred and fifty square feet at least, and every room below or partly below the ground floor shall be at least seven feet six inches in height from the floor to the ceiling, and every other room, except attic rooms of any such building, shall be at least nine feet in height from the floor to the ceiling, and every attic room of any such building shall be at least eight feet in height from the floor to the ceiling throughout not less than one-half of the area of such room, and not less than four feet at the sides thereof, and every room shall have one window or more, and the area of the window or windows except attic windows shall be at the least one-twelfth of the area of the floor of such room, and every attic window shall be of such size as the Corporation shall approve, and one-half of the window area shall be made to open fully, and if such room be of less area than one hundred superficial feet, and without a fire-place, it shall be provided with such means of ventilation, by air shaft or otherwise, as the Corporation may approve of or require.

Drainage of buildings.

107. Every existing building and new building to be hereafter erected shall have one drain or more to carry off the water, whether falling on the roof thereof or on the ground attached thereto, and every existing and future dwelling-house shall have a drain to carry

away the waste water therefrom, and such drains respectively shall be connected with the nearest sewer, and shall be constructed with glazed socket earthenware pipes of not less than four inches diameter, with watertight joints, set in well puddled clay or Portland cement. A.D. 1882.

Formation of back yards of houses.

108. The back yards of the houses to be hereafter erected, the total area of each of which houses and yards shall contain less than one hundred square yards, shall be formed with such fall, and shall be flagged, paved, or asphalted with such materials as shall be satisfactory to the surveyor for the purpose of carrying off the surface water to the drains of such house; and if any back yards of houses erected before or after the passing of this Act, which houses and yards contain less than the last-mentioned area, shall not be formed, paved, flagged, or asphalted, so as to allow of the surface water being so carried off as aforesaid, the owner or occupier shall within seven days after notice in writing, to be given him by the surveyor or left at or affixed on such house, proceed to form, and flag, pave, or asphalt the same, and shall complete such several works to the satisfaction of the surveyor, within fourteen days after such notice so given, left, or fixed; and in case any person fail to comply with the provisions of this section, in any particular in which compliance may be required by the surveyor, within the respective times aforesaid, it shall be lawful for the surveyor to execute the requisite works without further notice, and the cost of so doing shall be paid to the Corporation by such owner or occupier.

Construction, ventilation, &c. of buildings for public resort.

109. Every new building for public resort shall be supplied with means of lighting, ventilation, and of sufficient ingress and egress for the protection of the public in cases of emergency, to be approved by the Corporation; and the owner thereof shall deposit with the Corporation or their surveyor a certificate from a competent architect or surveyor to be approved by the Corporation that such building for public resort is substantially constructed and may be used with safety for the purposes for which it is constructed, and such certificate shall specify the purpose for which such building for public resort is intended to be used, and before such building for public resort is used at any time for any purpose other than that which is specified in such certificate, or before any building for public resort is hereafter used for any purpose other than the purpose to which it is applied at the date of the passing of this Act a further like certificate shall in like manner be deposited, and it shall not be lawful for any building for public resort to be used contrary to the provisions of this section; and if any building

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for public resort is used contrary to the provisions of this section, the owner as well as the occupier thereof shall be deemed to have committed an offence against the provisions of this section; and in this section the expression "building for public resort" shall mean hotels, refreshment rooms, churches, chapels, schools, theatres, and music halls, and all other like places designed to hold a large number of persons for any purpose.

Certificate that houses fulfil requirements of Act.

110. No building, not already occupied as a dwelling-house, shall be so occupied, and no new building to be erected shall be occupied, as a dwelling-house until the drainage thereof has been made and completed, nor until a certificate has been granted by the surveyor to the owner that such house is in every respect in accordance with the requirements of this Act: Provided, that if the surveyor fail to give such certificate within seven days after a written application for it shall have been made to him by the owner of such building, and shall not in the meantime specify to such owner which of the aforesaid requirements have not been complied with with respect to such building, then (but subject nevertheless to the other provisions of this Act) such building may be thereupon occupied as a dwelling-house; and if any building is occupied contrary to the provisions of this section, the owner of such building occupying the same, or allowing the same to be so occupied, and every person wilfully occupying the same, shall be deemed to have committed an offence against the provisions of this section.

Buildings unfit for human habitation.

111. If the surveyor, the officer of health, or the inspector of nuisances, or any two medical practitioners shall, by writing, certify to the Corporation that any building or part of a building is unfit for human habitation, the Corporation may, by their order affixed conspicuously on such building or part of a building, declare that the same is not fit for human habitation, and the same shall not, after a date therein to be specified, be inhabited: Provided always, that if at any time after such order has been made, the Corporation shall be satisfied that such building has been rendered fit for human habitation, they shall revoke their said order.

Further power to deal with houses unfit for human habitation.

112. Where the Corporation have made an order under the last preceding section declaring any building or part of a building unfit for human habitation, and the town clerk or the medical officer of health or the surveyor reports to the Corporation that two months have elapsed since the date of such order without such house or building having been rendered fit for such purpose, and that such house or building is in a condition, state, or situation dangerous or prejudicial to health, the Corporation may by themselves, their contractors, servants, agents, and workmen, enter and take down

and remove such house or building, and may remove and sell the materials as they think fit, and reimburse themselves all costs and charges incident to such proceeding by the sale of the materials, so far as the same may extend, rendering the balance (if any) to the owner: Provided, that the Corporation shall give at least thirty days' notice to the owner (unless he is not known or cannot be found) of their intention to proceed under this section.

Penalties.

113. Except as by this Act otherwise provided, every person offending against or acting in contravention of, or neglecting to comply with, any of the preceding provisions of this part of this Act, shall be liable to a penalty not exceeding one pound for each such offence, and where the offence shall be a continuing offence, or in the nature thereof, such person shall likewise be liable to an additional penalty of ten shillings for every day during which such offence shall continue.

Preventing building on ground filled up with offensive matter.

114. It shall not be lawful for any person to erect any dwelling-house or other building upon any site which shall have been filled up with any material impregnated with fœcal matter, or with any animal or vegetable matter, which in the opinion of the surveyor or medical officer of health for the time being may tend by decomposition or otherwise to the prejudice of the health of any future resident or occupier of such house or building or of any resident in the neighbourhood, except upon a certificate of such surveyor or officer that proper precautions in his opinion have been taken to obviate any such result, and every person who erects, or causes to be erected, either wholly or partially, any building on any such ground, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day during which such building or part of a building shall continue upon any such ground.

Part VI.—Byelaws as to Streets and Buildings.

Power to make byelaws with respect to streets and new buildings.

115. Subject to the provisions of this Act the Corporation may from time to time make byelaws in respect of all or any of the following matters (that is to say):

The level, width, and construction of new streets and courts, and provision for the drainage thereof;

The securing of the stability and safety of the walls, foundations, roofs, and chimneys of buildings, and the prevention of fire;

The removal from the sites of buildings before commencing to lay the foundations thereof of offensive or unwholesome

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waste or refuse, and of soil that has been rendered offensive or unwholesome by the deposit thereon of waste, refuse, manure, or fœcal matter;

The sufficiency of air-space and means of ventilation;

The drainage of buildings;

The provision, construction, and position of waterclosets, earth-closets, privies, ashpits, and cesspools;

The thickness and construction of walls of all ovens and furnaces:

Provided, that no byelaw made under the powers of this section shall affect any building other than a new building within the meaning of this Act.

Power to make bye-laws with respect to new and old buildings.

116. Subject to the provisions of this Act, the Corporation may from time to time make byelaws in respect of all or any of the matters following (that is to say):

The closing of buildings or parts of buildings unfit for human habitation, and prohibiting the use thereof for human habitation;

Prohibiting the occupation as a dwelling or sleeping-room of any room whereof any portion is situated over any privy, ashpit, midden, or cesspool, and enforcing the removal or alteration of such privy, ashpit, midden, or cesspool;

Compelling owners of buildings in streets to provide and keep proper spouts, troughs, and pipes, to carry off water from the roofs and other external parts thereof;

The removal of obstacles and nuisances in streets;

Fires;

And byelaws for the purposes of this section may affect any building, whether new or not.

Provision for notices, &c.

117. Subject to the provisions of this Act, the Corporation may provide for the observance of any byelaws made under the two last preceding sections by inserting therein provisions as to any of the following matters (that is to say):—

The giving of notices;

The deposit of plans and sections by persons intending to lay out streets or to construct or alter buildings;

Inspection and superintendence by the Corporation; and

The removal, alteration, or demolition by the Corporation of any work commenced, continued, or executed in contravention of such byelaws.

Certain provisions of Parts V. and VI. not

118. The provisions of Parts V. and VI. of this Act with respect to buildings, and the regulations with respect to buildings contained in any byelaws made pursuant to Part VI. of this Act, shall not

extend or apply to any building (other than a dwelling-house) belonging to any railway company and used for the purposes of their railway under any Act of Parliament.

to apply to railway companies' buildings.

Part VII.—Sewers, Drains, &c.

119. If at any time hereafter any person shall make any drain or sewer from any house, privy, ashpit, cesspool, or other premises, into the streams or brooks called respectively the Blakewater and the Darwen, or into any tributary of either of those streams, within or abutting on the borough, or in any manner pollute or contaminate the waters thereof, he shall for every day during which or any part of which such sewering or draining, pollution or contamination, shall continue, be liable to a penalty not exceeding forty shillings.

Penalty for sewering into the Blakewater or Darwen.

120. If any person shall lay or throw, or cause or permit to be laid or thrown, into, or shall do or cause or permit to be done any act or thing which shall have the effect of conveying into any sewer or drain of the Corporation any cinders, ashes, bricks, stone, rubbish, or dust, or into the said streams or brooks called respectively the Blakewater and the Darwen, or into any tributary of either of those streams within or abutting on the borough, any of the matters aforesaid, or any filth or other matter of annoyance whatsoever, he shall forfeit to the Corporation a sum not exceeding forty shillings for every such offence, and the discharge of any of the matters or things aforesaid from any private or other drain, waterway, doorway, or window shall be primâ facie evidence that the occupier of the premises in which such drain, waterway, doorway, or window is situate, or from which it proceeds, has committed an offence against the provisions of this section.

Penalty for throwing rubbish, &c. into the Blakewater, Darwen, or sewers.

121. Wherever a main or other sewer has been or shall be constructed for the general sewerage or drainage of the houses, ashpits, cesspools, and other premises in any street within the borough (whether or not the same shall be a highway repairable by the inhabitants at large), it shall be lawful for the Corporation or their surveyor from time to time, as occasion may require, to give notice to the owners or occupiers of the houses or lands abutting on such street, by leaving the same at such houses or lands, requiring them to construct and lay branch drains of such size, at such level and with such fall, and of such form and materials, and in such manner, as the Corporation shall by such notice direct, from such houses, ashpits, cesspools, and other premises, into the main or other sewer of such

Corporation to make branch drains at the expense of owners.

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street, or to divert any existing drain so that the same may discharge its contents into such main or other sewer, and if such owners or occupiers shall for three days neglect to begin the works respectively required by such notice, or shall, after beginning, fail to proceed with the same works with due diligence, the Corporation may thereupon, without further notice, execute the works referred to in the first-mentioned notice, and the owners of such houses, ashpits, cesspools, and other premises, shall repay to the Corporation such expenses as they shall incur, which expenses shall be settled by the surveyor, each owner contributing in proportion to the length of drain laid down, such proportion to be ascertained by the surveyor.

Construction of drains and connexion with sewers.

122. The drains of all existing and future buildings shall be of such size, and laid and connected with the sewers in such manner, as shall be directed by and under the superintendence of the surveyor; and those beneath buildings used or intended to be used as dwelling-houses shall be constructed of iron and be laid with watertight joints: Provided, that nothing herein contained shall authorise the Corporation to require the alteration of any drains heretofore duly constructed by and under the superintendence of the surveyor and in accordance with the provisions of the Improvement Act 1870.

Ventilation of drainage.

123. Means of ventilation shall be provided in the drainage of every existing and future building, by connecting the drains with the rain-water pipe, or by a special pipe or shaft, and all inlets to any house from the drains shall be trapped; but when in the opinion of the surveyor one ventilating pipe or shaft will suffice to ventilate the drains of several buildings, it shall suffice if such pipe or shaft shall be provided to the satisfaction of such surveyor, and the costs of providing and affixing the same shall, where it is so provided and affixed by the Corporation, be apportioned between the owners of such buildings by the surveyor and be repaid to the Corporation.

Occupiers to repair and cleanse private drains.

124. The occupier of any tenement from which any private drain now issues or hereafter shall issue into any sewer vested in the Corporation shall from time to time repair and cleanse such private drain to the satisfaction of the Corporation, or in default thereof the Corporation may repair and cleanse the same, and recover the expense thereof from the occupier summarily.

Power to construct drain for house built in contravention of

125. Where any person has been convicted of causing a house to be erected or built, or any drain to be constructed in contravention of section twenty-five of the Public Health Act 1875, the Corporation may cause such drain or drains to be laid, relaid,

or amended, or remade, as the case may require, and may recover the expenses incurred by them in so doing from the owner of the house.

section 25 of 38 & 39 Vict. c. 55.

Waterclosets and privies.

126. The following provisions shall apply to all existing and future dwelling-houses :

(1) The owner or occupier shall provide a privy or watercloset and sufficient receptacle for ashes to the satisfaction of the Corporation or their surveyor ;

(2) No privy shall be made within five feet of any dwelling-house or other habitable building, and in cases where this space cannot be secured a watercloset or waterclosets must be provided ;

(3) No room for human occupation shall be made over a privy, cesspool, or ashpit ;

(4) All ashpits and cesspools shall be covered in and sufficient means of ventilation for the same provided to the satisfaction of the surveyor.

Power to enforce conversion of privies into waterclosets, trapping of drains, &c.

127. When and so often as it shall be certified to the Corporation by the medical officer of health or under the hands of two medical men that any privy, drain, or cesspool is in a condition, state, or situation injurious, dangerous, or prejudicial to health, or to be in a filthy or unwholesome condition, or an annoyance to the public or neighbourhood, or to be so situate that the removal of the refuse or soil therefrom is prejudicial to health or an annoyance to the public or neighbourhood, it shall be lawful for the Corporation, if they think fit, to require the owner thereof, by notice in writing for that purpose, forthwith or within such reasonable time as shall be specified in such notice, to repair, alter, or cleanse such privy, ashpit, or drain, or to convert the same into a watercloset, and to cause such drain to be properly trapped, and such cesspool to be properly cleansed, altered, or repaired to the satisfaction of the Corporation or of their surveyor ; and in default of the execution of the work specified in such notice, such owner shall be liable to a penalty not exceeding twenty shillings for every day after the expiration of the time allowed by such notice, during which the requirements of such notice shall not be complied with, and the Corporation may, if they think fit, themselves execute the work specified in such notice, and may recover the expenses incurred by them in so doing from such owner : Provided, that if such owner shall satisfy the Corporation that such privy can be so altered as to prevent the same being injurious, dangerous, or prejudicial to health by other means than by converting the same into a watercloset, then such alteration, if made to their satisfaction, or to the satisfaction of their surveyor, shall be deemed a compliance with this provision.

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Privy accommodation for factories.

128. Where it appears to the Corporation, by the report of their surveyor, that any building used, or intended to be used, as a factory, shop, office, or workshop is insufficiently provided with privy accommodation, the Corporation may, by written notice, require the owner or occupier of such building, within the time specified in such notice, to construct such number of waterclosets, earth-closets, or privies and urinals in such suitable position for the accommodation of the persons employed in such building, and where persons of both sexes are employed in any such building at one time, for the separate accommodation of each sex, as the Corporation shall think fit.

Any owner or occupier who makes default for the space of one month in complying with the requirements of such notice shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued, and the Corporation and their officers, or any person authorised by the Corporation, or any of their officers, may at all reasonable times enter any such building for the purpose of examining whether such waterclosets earth-closets, privies, or urinals have been constructed as aforesaid.

Corporation to provide public conveniences.

129. The Corporation may, if they think fit, provide and maintain, in proper and convenient situations, urinals, waterclosets, earth-closets, and other similar conveniences, with such drains and sewers as they may think necessary for public accommodation, and may make byelaws for the use thereof and for the orderly conduct of persons resorting thereto, and if any person offend against any such byelaw every person so offending shall for every offence be liable to a penalty not exceeding forty shillings.

No convenience to be placed in any street without consent of Corporation &c.

130. No person shall after the commencement of this Act make or provide any urinal or similar convenience in or adjoining to any street without the consent in writing of the Corporation, and no urinal or convenience in or adjoining to any street, whether such urinal or convenience exist at the date of the passing of this Act, or otherwise, shall be continued after notice in writing from the Corporation that the medical officer of health has certified the same to be a nuisance, and any person offending against this enactment shall be liable to a penalty not exceeding twenty shillings for every day during which the offence shall be continued.

Provided that nothing contained in this or in the last preceding section shall extend or apply to any convenience now or hereafter to be erected by any railway company at or within any railway station or station yard.

Corporation may order removal and construction of urinals by innkeepers and beer-sellers.

131. The Corporation may from time to time order the owner or occupier of any inn, public house, beershop, or other similar place within the borough, to remove any urinal now or hereafter adjoining such inn, public house, beershop, or place, and may from time to time order the owner or occupier of any inn, public house, beershop, or place to construct or place where it is possible so to do adjoining such inn, public house, beershop, or place, an urinal, in such position and according to such plan as the Corporation or their surveyor may approve: Provided, that if in the case of any urinal constructed under any order of the Corporation or with the approval of the surveyor the Corporation shall make any further order for the removal and reconstruction of such urinal the expenses of such last-mentioned removal and reconstruction shall be borne by the Corporation, and if any such owner or occupier fail for fourteen days after the time allowed by the Corporation for the removal or the construction or reconstruction or placing of any such urinal to remove or construct or reconstruct or place the same according to such order, every person so offending shall for every such offence be liable to a penalty not exceeding five shillings for every day after the expiration of fourteen days during which such order is not complied with.

Part VIII.—Sewage Disposal.

Power to deal with lands for sewage purposes.

132. The Corporation from time to time may use and employ any lands for the time being held by them for sewage and sewage utilization purposes, for the purposes of thereon dealing with, receiving, collecting, storing, disinfecting, deodorizing, distributing, utilizing, and applying to purposes of agriculture, irrigation, filtration or fertilisation, or other like purposes, the said sewage and sewage matter, and may continue, maintain, and improve all sewage works, and works for sewage disposal, made and constructed by the Corporation at the date of the passing of this Act.

Grants of easements to remain valid notwithstanding destination of sewage altered: compensation in certain cases.

133. All grants and easements made to or other rights already vested in the Corporation for or in respect of the passage or conveyance of sewage and sewage matter through or along any lands or highways, by means of any conduits or pipes of the Corporation, shall remain valid and operative, notwithstanding that the sewage or sewage matter to be passed through or along such conduits or pipes shall be greater in quantity or shall be derived from other and different sources, or shall be conveyed to other or more distant places, or shall be applied to other or different purposes than or shall in any other mode differ from the sewage and sewage matter

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in respect of which such easements or rights respectively were granted: Provided that except as to any grant or easement made or hereafter to be made to or other right vested or hereafter to be vested in the Corporation in pursuance of the powers of the Improvement Act 1870 every person shall be entitled to receive from the Corporation reasonable compensation for any damage to his property by reason of the operation of this section.

33 & 34 Vict. c. clx.

Patent rights as to dealing with sewage, excreta, &c.

134. The Corporation may from time to time contract for take, and use any leave, license, or authority (not being exclusive) to work, use, exercise, or put in practice any invention under any letters patent heretofore made or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the utilization, treatment, dealing with, and disposing of sewage, excreta, and other refuse, and may enter into and carry into effect agreements and arrangements in relation to any such disposal or dealing respectively.

Provisions as to supply of sewage to adjacent owners, &c.

135. The Corporation may, under any agreement with the owners or occupiers of any lands contiguous to the conduits or works of the Corporation, supply to such owners or occupiers respectively sewage for the fertilization of such lands; and should any dispute arise as to the terms upon which such sewage shall be supplied the same shall be settled by arbitration in the manner provided with respect to arbitrations in the Lands Clauses Consolidation Act 1845.

Provisions as to supply of sewage to lands.

136. In supplying sewage for the irrigation of lands, under the last preceding section, the Corporation shall supply only such quantities of sewage as according to the nature of the soil and of the crop to which it is to be supplied can be absorbed, so as to prevent any discharge of noxious matter into the wells, ponds, springs, rivers, or watercourses of the district or neighbourhood in or near which the lands are situate.

Power to execute works for fertilising purposes.

137. For the purpose of drawing off or supplying sewage for fertilising lands, the Corporation may, by agreement, subject to the provisions of this Act, make all necessary openings in their conduits or other works, and construct, execute, lay down, and maintain, and from time to time renew, alter, improve, cleanse, and repair, all such works and apparatus as may be necessary or proper.

Power of entry for ascertaining quantity of sewage consumed by meter, &c.

138. Any officer of the Corporation may, after twelve hours' notice, enter any lands to, through, or into which sewage is supplied by them, by measure or otherwise, in order to inspect the meters, instruments, pipes, and apparatus for the measuring, conveyance, reception, and storage thereof, or for the purpose of ascertaining

the quantity of sewage supplied or consumed, and may from time to time enter any lands for the purpose of removing any meter, instrument, pipe, or apparatus the property of the Corporation, and if any person hinders any such officer from entering or making such inspection, or effecting such removal, he shall for every such offence be liable to a penalty not exceeding five pounds, but the power of entry conferred by this section shall be exercised only between the hours of ten in the forenoon and four in the afternoon.

Penalty for using sewage without agreement.

139. If any person, not being entitled thereto under any agreement with the Corporation, wrongfully takes or uses any sewage from any tank, conduit, pipe, sewer, or work belonging to the Corporation so as to interfere with the rights or property of the Corporation, he shall for every such offence be liable to a penalty not exceeding five pounds.

Conduits, &c. to be constructed so as not to be a nuisance.

140. The Corporation shall cause all their sewage conduits, and other works, and the lands connected therewith, to be so respectively constructed, covered, kept, and used, as not to be or to create a nuisance or be injurious to health.

Corporation not to be exempt from proceedings for nuisances.

141. Nothing in this Act shall exonerate the Corporation from any indictment, action, or other proceeding for nuisance or damages in the event of any nuisance being caused by them in conveying or disposing of the sewage or refuse from sewers, or in any other manner, or of any damage occurring from the want of repair of any of the works of the Corporation.

Power to borrow on mortgage of sewage lands.

142. The Corporation may from time to time raise any money on mortgage of the lands for the time being held by them subject to the provisions of this Act with respect to the sewerage works; and every such mortgage shall be by deed duly stamped, and may contain such power of sale and other powers and provisions as the respective mortgagee shall reasonably require for better securing the payment of the principal money and interest thereby secured.

Application of borrowed moneys.

143. The Corporation shall carry all moneys raised on mortgage as last aforesaid to the credit of the general district fund, and the power of the Corporation for borrowing money on the credit of that fund and the general district rate shall be reduced by an amount equal to the money so carried to the credit of that fund.

Part IX.—Gas and Water.

Gas limits.

144. The limits of this Act for the supply of gas (in this Act called "the gas limits") shall be the borough, the several townships

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of Oswaldtwistle, Rishton, Wilpshire, Ramsgreave, Mellor, and Pleasington, and also so much of the townships of Witton and Livesey as are not comprised within the borough, all in the county of Lancaster.

Powers as to construction and maintenance of gasworks.

145. Subject to the provisions of this Act the Corporation may from time to time maintain, alter, renew or discontinue the existing gasworks upon the lands on which the same are erected, or any part thereof, and which lands are described in the Fourth Schedule to this Act, and also erect, lay down, provide, and from time to time maintain, alter, improve, enlarge, extend, and renew or discontinue additional and other gasworks, retorts, gasometers, receivers, drains, sewers, mains, pipes, meters, lamps, lamp-posts, burners, stopcocks, machinery, and other works and apparatus and conveniences, and do all such acts as they may think proper for making and storing gas and for supplying gas within the gas limits, and may make, store, and supply gas accordingly, and may manufacture, sell, provide, supply, and deal in coke, tar, pitch, asphaltum, ammoniacal oil, and other products or residuum of any materials employed in or resulting from the manufacture of gas, and also meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks or the supply of gas as they may from time to time think fit.

Site for manufacture of gas.

146. Nothing in this Act contained shall authorise the Corporation to manufacture gas or residual products elsewhere than on the lands described in the Fourth Schedule to this Act.

Power to take licenses.

147. The Corporation may purchase or otherwise acquire, hold, work, and use any leave, license, or authority, not being exclusive, from any patentees for inventions for or relating to the manufacture of gas or residual products, meters, or fittings, or otherwise acquire or hold, use, and exercise patent rights, not being exclusive relating to gas or residual products, meters, and fittings.

Limiting price of gas.

148. The maximum price to be charged by the Corporation for the supply of gas to persons burning the same by meter shall not exceed the rate of five shillings per thousand cubic feet.

Pressure of gas.

149. All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight, to sunset not less than six-tenths of an inch, and from sunset to midnight not less than eight-tenths of an inch in height at the main, or as near as may be to the junction therewith of the service pipe supplying such consumer, and any gas examiner appointed under the Gasworks Clauses Act 1871 may, subject to the terms of his appointment, from time to time test the

pressure at which the gas is supplied, and may, for that purpose, open any street, road, passage, or place vested in or under the control of any local or road authority, and the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall, mutatis mutandis, apply to such testing of pressure, and two hours' previous notice shall be given to the Corporation of the time and place at which such testing shall be conducted.

Quality of gas.

150. The prescribed number of candles shall be sixteen.

Testing-place.

151. A testing-place shall be from time to time provided at the gasworks of the Corporation.

Burner.

152. The prescribed burner shall be Sugg's London Argand No. 1, with a six inch by one and three-quarter inch glass chimney: but if at any time and so long as the gas flame tails over the top of that glass, a six inch by two inch chimney shall be used, or any other burner and chimney approved for this purpose by the Board of Trade.

Power to lay pipes against buildings.

153. The Corporation, with the consent of the owner and occupier of any building, may lay any pipe, branch, or any other necessary apparatus from any main or branch pipe into, through, or against such building for the purpose of lighting it, and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas, and for measuring and ascertaining the extent of such supply, and may from time to time with the like consent repair, replace, alter, discontinue, and remove any such pipe, branch, or apparatus.

Corporation to pay interest on security for meter.

154. If any person is required by the Corporation to give to them security for payment of the price or rent of a meter the Corporation shall pay interest after the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Water limits.

155. The limits of this Act for the supply of water by the Corporation (in this Act called "the water limits") shall be the borough, so much of the townships of Witton and Livesey as are not comprised within the borough, and the township of Oswaldtwistle, all in the county of Lancaster.

Corporation may continue waterworks, &c.

156. The Corporation may continue, maintain, alter, and improve their waterworks, and, subject to the provisions of this Act, may from time to time make and maintain on lands belonging to them, or authorised to be used by them for the purposes of waterworks, all necessary pipe tracks, sluices, embankments, channels of

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communication, bye-washes, filtering beds, tanks, culverts, engines, drains, floodgates, and other conveniences for the effectual use and maintenance of their waterworks.

Hodlesden Compensation Reservoir.

157. Nothing in this Act contained shall repeal, vary, or in anywise affect the operation of sections twenty-eight to thirty-five inclusive of the Blackburn Waterworks Act 1845 (8 & 9 Vict. cap. 138), relating to the Hodlesden Reservoir.

New works part of waterworks undertaking. 40 & 41 Vict. c. cxv.

158. The works by the Improvement Act 1877 authorised, set forth in the Second Schedule to this Act, shall be part of the waterworks undertaking of the Corporation, and, subject to the provisions of this Act, they may exercise and enjoy in respect thereof, and of the water collected therein and delivered therefrom, all and the like powers, rights, privileges, and authorities as they are authorised to exercise and enjoy with respect to their existing waterworks undertaking.

Rents for domestic supply.

159. The Corporation shall, at the request of the owner or occupier, furnish to every occupier of a private dwelling-house or part of a dwelling-house within twenty yards of any main or other water pipe of the Corporation, a sufficient supply of water for the domestic use of every such occupier, at a rent not exceeding the rate of ten pounds per centum per annum upon the annual value, as described in the next succeeding section of this Act, of the premises so supplied with water: Provided nevertheless, that the Corporation shall not be obliged to furnish such supply to any occupier for any less sum than thirteen shillings in any one year when paid in advance, or fourteen shillings and sixpence a year when in arrear, and in the event of the revenue of the water undertaking being deficient in any year to meet the expenses chargeable against such revenue, and for so long only as such deficiency shall continue, it shall be lawful for the Corporation, provided that they are charging the maximum rent for water supplied within the borough, to charge an additional rent over and above the said maximum rent for water supplied outside the limits of the borough proportioned to the amount by which any rate or fund of the borough would otherwise be or become chargeable for the purpose of meeting such deficiency.

Valuation to be according to the assessment to the poor's rate.

160. The water rent shall be paid by the owner or occupier requesting the supply of water, and shall be payable according to the annual rateable value at which the premises shall be assessed to the poor's rate, if the same shall be so assessed, or according to the annual rateable value at which the premises shall be assessed by the Corporation to their rates, if the Corporation have made a

separate assessment: Provided, that the Corporation may from time to time adopt as the basis of assessment for the water rent the gross estimated rental value instead of the annual rateable value at which the premises shall be assessed as aforesaid.

Definition of domestic purposes.

161. A supply of water for domestic purposes shall include a supply for one watercloset within or adjacent to or immediately connected with any dwelling-house, and one bath capable of containing for use not more than eighty gallons within any dwelling-house, but shall not include a supply for more than one such bath or watercloset, or for cattle, or for horses, or washing carriages, when such horses or carriages are kept for hire, or are the property of a dealer, or for any trade, manufacture, or business whatsoever, or for watering gardens, or for fountains, or for any ornamental purposes: Provided, that in case of any dwelling-house assessed to the poor's rate or Corporation rates at more than forty pounds annual value, a supply of water for domestic purposes shall include more than one watercloset and one bath.

Charge for several water-closets, &c.

162. In addition to the rent for the supply of water for domestic purposes which the Corporation may demand under this Act, the Corporation may, in all cases in which there shall be more than one watercloset or bath in any dwelling-house or part of a dwelling-house, or shop or building used as a dwelling-house (not being a dwelling-house within the proviso to the last preceding section), the occupier of which may be liable to pay rent for a separate supply of water, charge in respect of every watercloset therein beyond the first any sum not exceeding six shillings per annum, and for every bath beyond the first any sum not exceeding ten shillings per annum, and such additional sum or sums may be received with, and as part of, or by the same means as the rent for the domestic supply from such occupier.

Supply of water for other than domestic purposes.

163. The Corporation may supply any person with water for other than domestic purposes for such remuneration and upon such terms and conditions as may be agreed upon between the Corporation and such person; provided that no water shall be supplied under this section so as to prejudice the supply to the inhabitants within the water limits for domestic purposes.

Penalty for using water for other than domestic purposes without agreement.

164. Every person using for other than domestic purposes any water supplied by the Corporation, and not having previously agreed with the Corporation for a supply for such other purpose, and every person having agreed with the Corporation for a supply of water for any other than domestic purposes, and using for any purpose other than the purposes so agreed for the water so

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supplied by the Corporation, shall respectively for every such offence forfeit and pay to the Corporation any sum not exceeding five pounds.

For preventing the fouling of water.

165. The Corporation shall not be compellable to supply any person with water unless the apparatus or pipes provided or to be provided shall be of such material and so constructed and used as to prevent the waste or undue consumption of the water of the Corporation, and the return of foul air or noisome or impure matter into the mains or pipes belonging to or connected with the mains and pipes of the Corporation.

Corporation may require pipes, &c. to be repaired.

166. The Corporation may by notice in writing under the hand of their manager, or other duly authorised officer require any person who shall have suffered any cistern, pipe, cock, or other apparatus to be out of repair forthwith to put the same into a proper state of repair, and if such person shall not within three days after the service of such notice so repair such cistern, pipe, cock, or other apparatus as to prevent any waste of water therefrom, the Corporation may repair the same, and if the expenses of such repair be not repaid to the Corporation on demand the same may be recovered by the Corporation in manner hereinafter provided for the recovery of any sum of money due to the Corporation for the supply of water or gas.

Regulations for preventing waste of water, &c.

167. The Corporation from time to time may, with the approval of the Local Government Board, make such reasonable regulations as shall be necessary or expedient for the purpose of preventing the waste, misuse, or contamination of water, and, amongst other things, may prescribe the size, nature, and strength of the pipes, cocks, cisterns, and other apparatus whatsoever to be used, and may prohibit any arrangements and the use of any pipes, cocks, cisterns, or other apparatus which may tend to such waste, misuse, or contamination as aforesaid, and by any such regulation the Corporation may impose a penalty not exceeding forty shillings for breach of any regulation made under the powers of this section.

Power to Corporation officer to enter buildings.

168. Any officer of the Corporation duly appointed for the purpose by them may, between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter any building or place supplied with water by the Corporation, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, either for the purpose of ascertaining the quantity consumed or supplied or to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair, or whether the same have been disconnected, altered, or otherwise

interfered with; and if such officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, the occupier shall for every such offence forfeit and pay to the Corporation a sum not exceeding five pounds.

Power to Corporation to cut off water or gas supplied in certain cases.

169. If and whenever any person supplied with water or gas by the Corporation wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or the Local Acts (so far as the same are not hereby repealed), or any regulations made or be to made thereunder by the Corporation with respect to water supply, the Corporation may cut off or stop any pipe by or through which water or gas as the case may be is supplied to him, and may cease to supply him with water or gas as the case may be as long as the cause of injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all damage sustained by reason thereof, and the remedies of the Corporation under this enactment shall be in addition to their other remedies in this behalf.

Power for Corporation to remove water pipes or gas pipes from unoccupied premises.

170. If and wherever any house, building, or premises which shall have been supplied with water or gas by the Corporation shall be unoccupied, the Corporation, their agents, servants, or workmen, after giving twenty-four hours' previous notice to the owner by serving the notice on him, or sending the same by post addressed to him at his usual place of abode or business, or if the owner or his usual place of abode or business be not known to the Corporation, by affixing the same for three days on some conspicuous part of such house, building, or premises, may enter into such house, building or premises between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and remove and carry away any pipe or other works the property of the Corporation.

Recovery of money by distress.

171. If any person from whom any sum of money is due to the Corporation for the supply of water or gas or the hire or fixing of meters, or the maintenance or repair of such meters, neglects to pay the same, it shall be lawful for the Corporation or any person acting under their authority to levy the sum so due or any part thereof by distress and sale of the goods and chattels of the person neglecting to pay the same in the same manner and with the same rights as rents in arrear on common demise may by law be recovered.

Supply of water by agreement.

172. The Corporation may supply water in bulk to any corporation, local board, commissioners, trustees, surveyors, or other

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local or sanitary authority, bodies, companies, person or persons, whether within or beyond the water limits, upon such terms and conditions as may be agreed upon, and may also by agreement supply water beyond the water limits, out of any of their main aqueducts outside such limits, to any person requiring the same: Provided always, that notwithstanding any such agreement, no such supply of water shall be compulsory on the Corporation if they shall be of opinion that such supply would be likely to diminish the sufficiency of the supply of water for domestic purposes within the water limits, or for compensation to millowners and others, as provided by the local Acts, or any of them.

Penalty for refusal to allow inspection of mines.

173. If any owner, lessee, or occupier of any mines lying under any of the reservoirs or buildings belonging to the Corporation, or under any of their pipes or works or within forty yards therefrom respectively, shall refuse to allow any person appointed by the Corporation for that purpose to enter into and inspect any such mines or the works connected therewith in manner provided by the twenty-sixth section of the Waterworks Clauses Act 1847, every person so offending shall for every such refusal forfeit to the Corporation a sum not exceeding twenty pounds, and also the further sum of twenty pounds for each and every day that such refusal shall continue.

Provision for sale of portions of gas or waterworks undertaking to sanitary authorities.

174. If any sanitary authority within the gas or water limits shall, in the next or any succeeding session of Parliament, obtain power to supply gas or water within the district of such sanitary authority, then in case such sanitary authority give notice of their intention to purchase the Corporation shall sell and such sanitary authority shall buy the portion or portions of the gas or waterworks undertaking, as the case may be, which is contained within the district of such sanitary authority (except the mains, or pipes, or other apparatus which may be necessary for supplying with gas or water any other district or districts), upon such terms as, in case of disagreement between the Corporation and such sanitary authority, shall be determined by a single arbitrator, to be appointed on the application of either party by the Board of Trade. And the Corporation shall apply the proceeds of any sale under this section to such purposes in connexion with their gas or waterworks undertaking, as the case may be, as capital is properly applicable to.

Corporation may retain certain mains, &c.

175. The Corporation shall be at liberty to retain and use any mains and pipes, or other apparatus, within the district of any sanitary authority so purchasing which shall be necessary for supplying with gas or water any other district or districts within the gas or water limits respectively, and such retention shall be

upon such terms and conditions as may be agreed upon between the Corporation and the sanitary authority, or failing agreement as may be determined by the arbitrator on such purchase as aforesaid; and the sanitary authority shall afford such facilities as may from time to time be necessary for enabling the Corporation to continue the supply of gas or water, as the case may be, to the remaining portions of their gas or waterworks undertaking.

Upon sale to sanitary authority, Corporation to cease to supply gas or water to district.

176. Upon the completion of the purchase of any portion of the gas or waterworks undertaking by any sanitary authority, all rights and powers of the Corporation under this or any other Act, to supply gas or water, as the case may be, within the district of such sanitary authority, shall thereupon cease and determine.

Part X.—Sanitary.

Regulations as to removal of night-soil, &c.

177. The Corporation may from time to time make, and when made alter, add to, and repeal byelaws for all or any of the following purposes (that is to say):

The removal from dwellings and other buildings and places of night-soil, excreta, and other like refuse;

The prevention of nuisances by snow, filth, and keeping of animals;

The provision of proper privy, ashpit, tub-closet, cesspool, or other similar accommodation for dwellings and other buildings, and the proper cleansing thereof, and of streets and footpaths, and the removal of refuse;

The user in or in connexion with any privy, ashpit, closet, cesspool, or similar accommodation of sanitary appliances.

The Corporation may also, from time to time, by their order require any privy, ashpit, tub-closet, cesspool, or other like accommodation of any house within the borough to be altered according to such other system of privy, ashpit, tub-closet, or cesspool, or other sanitary accommodation and appliances as they may approve, and as is in accordance with the byelaws of the Corporation for the time being. The situation of such altered privy, or other receptacle or appliance, and the mode or materials of its construction, shall be defined in the order; and if at the expiration of the time specified in such order the work be not completed, or be done contrary to any of the requirements of the order, the Corporation themselves may do the work, and may borrow money for this purpose as for permanent works, under the Public Health Acts and the Corporation may recover the cost of the alteration from the owner of the house.

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Provided, that if and as often as the Corporation under this section require the alteration of any privy or other sanitary appliances which they have previously required or caused to be altered (whether before or after the passing of this Act), all the expense of such alteration shall be paid by the Corporation.

The Corporation may also make and carry into effect agreements with the owners of any manufactories or works within the borough for or with reference to the purification and disposal of sewage matter and refuse produced on or arising from such manufactories or works.

Further powers with respect to prevention of infection from disease.

178. 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 poor persons living in any house in which infectious disease has appeared;

(B) The Corporation may themselves provide or contract with any person or persons to provide female nurses for attendance upon persons suffering from infectious disease;

(C) The Corporation from time to time may order public or private day schools in which any infectious disease shall exist, or from which any such disease shall appear on evidence satisfactory to the Corporation to have been distributed or to be likely to be distributed, situate in any neighbourhood affected by infectious disease, to be temporarily closed or suspended, and the period of such closing or suspension shall be stated in such order;

(D) The Corporation may by order direct any shop, dairy, or other place for the sale or storage of provisions, 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, and the period of such closing shall be stated in such order;

(E) In case of the existence of any infectious disease in any house 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 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 in-door occupation which necessitates the handling of any clothing, food, or article likely to retain infection which is intended for sale or for the use of persons belonging to another family ;

(2) No person not authorised by the Corporation or their medical officer of health, or by a registered medical practitioner, shall, except in cases of necessity or emergency, enter any such house or part of a house ;

(3) 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 medical officer of health or of a registered medical practitioner) for the purposes of being disinfected ;

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.

The Corporation shall make compensation to any person who has sustained loss by reason of the exercise of any of the foregoing powers, 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 or without reasonable cause offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Notice to be given of persons suffering from certain diseases.

179. 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) :

(1) If any such inmate be suffering from infectious disease, and no medical practitioner is attending on or has been called in to visit such inmate, the occupier or person having the management or control of such building, or, if such occupier or person is prevented by reason of such disease, 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 at his office, or to the inspector of nuisances at his office, of the existence in such inmate of such disease ;

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(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, 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 by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Fifth 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 at his office, or to the inspector of nuisances at his office, a certificate stating, according to the forms prescribed 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 a fee of two shillings and sixpence for every such certificate: Provided, that more than one fee shall not become payable under this section within an interval of thirty days to the same medical practitioner for certificates given by him in respect of the same disease occurring in the same building:

And any person who shall wilfully offend against this enactment shall, for every such offence, be liable to a penalty not exceeding five pounds.

Byelaws with respect to dairies.

180. The Corporation, for the better prevention of the spread of infectious disease, may from time to time make byelaws with respect to dairies, cowsheds, and milkshops, for all or any of the following purposes (that is to say):—

For regulating the situation and arrangements thereof;

The inspection thereof by an officer of the Corporation at all reasonable times;

For ensuring the purity of the water supply thereof.

Saving for Acts relating

181. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878,

or of any order, license, or act of Her Majesty's Privy Council made, granted, or done, or to be made, granted or done thereunder, or of any order, regulation, license, or act of a local authority made, granted, or done, or to be made, granted, or done, under any such order of the Privy Council, or exempt the dairies, cowsheds, milkshops, or slaughter-houses to which this Act relates, or any of them, or any building or thing whatsoever, or any body or person, from the provisions of any general Act relating to dairies, or milk, or animals already passed or to be passed in this or any future session of Parliament.

to dairies, animals, &c. 41 & 42 Vict. c. 74.

182. The Corporation may, if they shall think fit so to do, exercise within the borough all and every or any of the powers conferred by an Act of the ninth and tenth years of the reign of Her present Majesty, intituled "An Act to encourage the Establishment of Public Baths and Washhouses," and by an Act of the tenth and eleventh years of the same reign, intituled "An Act to amend the Act for the Establishment of Public Baths and Washhouses," and by the Baths and Washhouses Act 1878.

Corporation may establish baths and washhouses and exercise powers of 9 & 10 Vict. c. 74. and 10 & 11 Vict. c. 61. and 41 & 42 Vict. c. 14. relating thereto.

Part XI.—Lands.

183. Subject to the provisions of this Act the Corporation may from time to time appropriate and use for any of the purposes of this Act any lands from time to time belonging to them as part of their corporate estate, or vested in them as a sanitary authority, and which are not required for the purposes for which the same were acquired.

Power to appropriate lands for purposes of Act.

184. The Corporation may from time to time acquire any lands necessary for all or any of the purposes of this Act, or the Local Acts, or any of them, by agreement either in fee simple, by purchase or by way of exchange, or on lease for a term of which five hundred years at the least shall remain unexpired.

Additional lands by agreement.

185. The consideration for any such acquisition may be either money or land, or any yearly sum, rent, or rentcharge, or a mixed consideration of money and land; and on any exchange the Corporation may give or take any money for equality of exchange.

Consideration for such acquisition.

186. The Corporation may (but by agreement only) purchase any right to take water or other easement which they may require for the purposes of this Act, or the Local Acts, or any of them, and for the purpose of every such purchase the term "lands" in the Lands Clauses Acts shall be deemed to include "easements."

Purchase of easements.

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Persons empowered by Lands Clauses Acts to sell lands may grant easements.

187. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may, if they think fit, subject to the provisions of the Lands Clauses Acts and of this Act, grant to the Corporation any easement, right, or privilege (not being an easement of water) required by the Corporation for the purposes of this Act and the Local Acts, or any of them, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid.

Power to lease surplus lands.

188. With respect to any lands acquired by the Corporation for the purpose of street improvements under the Street Improvement Order 1876, the Improvement Act 1879, or this Act, and not required for the purposes for which such lands were acquired, the following provisions shall have effect (namely) :

(1) The Corporation may, when and as they shall think fit so to do, demise and lease such lands or such parts thereof as the Corporation shall think fit on building leases, either altogether or in parcels, to any person or persons who shall erect and build or covenant and agree to erect and build thereon, or on any part thereof, houses, erections, and buildings of such rate or class of building, and upon such plan and elevation, and of such height and with such storeys as the Corporation shall think proper, for any term that the Corporation shall think proper, at such yearly rent as to the Corporation shall seem reasonable ;

(2) Every such lease shall contain a covenant for the payment of the rent, and such other covenants on the part of the lessee as the Corporation shall reasonably require, and also a clause in the nature of a condition of re-entry on non-payment of the rent, or on non-performance of the covenants on the part of the lessee to be observed and performed ;

(3) Every such lessee shall give such good and sufficient security for the erecting, finishing, and completing of every such house, erection, and building, which he shall covenant or agree to erect, finish, and complete within the time in which he shall have contracted so to do, as the Corporation shall order and direct ;

(4) The Corporation may, if they think fit, accept and take any fine for the granting of any such lease, and may enter into any agreement for the granting any lease on such terms and conditions as they may think fit, and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases, and may apportion

the same, and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased as the Corporation think fit, and may also alter or rescind any agreement as aforesaid, and may accept any surrender of any lease granted, for the purpose of granting separate leases of the same premises at apportioned rents, or under different covenants, or otherwise, in all respects as the Corporation shall think fit, and any part of the said land may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased, as the Corporation shall think fit.

As to sale of ground rents.

189. The Corporation may sell and dispose of the ground rents to be reserved by any such lease, or agreed to be reserved by any such agreement as aforesaid, in pursuance or in consideration of which the houses shall have been erected and built, or shall be agreed to be erected and built, and also the inheritance in fee simple in reversion expectant on the determination of any such lease or agreements of and in the lands therein demised or agreed to be demised, and of the houses, erections, and other buildings thereon erected and built or agreed to be erected and built, except such as shall have been otherwise disposed of pursuant to this Act, either altogether or in parcels, by public auction or private contract, for such price or prices or sum or sums of money as the Corporation shall think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the buildings which are to be at all times erected and built, and as to the title to be produced to the hereditaments to be sold as the Corporation shall think fit, and as regards any stipulations or provisions which may be contained in any conveyance the same may at all times thereafter be enforced by the Corporation for the benefit of the parties entitled to the other property adjoining, or held under the same title, in such manner in all respects as the Corporation shall think fit.

Corporation may sell, &c. land in the first instance without having previously granted a lease thereof.

190. Subject to the provisions of this Act, the Corporation may, if they shall think it expedient so to do, sell and dispose of, in the manner herein-before directed, all or any lands not required for the purposes for which such lands were acquired (without having previously granted or agreed to grant any lease of such lands), and convey and assure the same respectively unto the purchaser or respective purchasers thereof for any sum or sums of money, and upon, under, and subject to such terms and conditions, and with, under, and subject to such covenants and agreements on the part of the person or persons purchasing or agreeing to purchase the

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same, with respect to the size or class of the houses, erections, and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Corporation shall think fit to impose.

Corporation may grant a lease, &c. of lands.

191. The Corporation may from time to time let, either from year to year, or for a term at rack-rent, or exchange, or otherwise, dispose of any building or lands, or any part thereof acquired by them for the purpose of street improvements, under the Street Improvement Order 1876, the Improvement Act 1879, or this Act, and not required for the purposes for which the same were acquired, and may execute and do any deed, act, or thing proper for effectuating any such lease, exchange, or other disposition.

Receipts of Corporation to be effectual discharges.

192. The receipt of the Corporation for any purchase-moneys, rents, or profits, or other money payable to the Corporation by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received, and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Application of moneys from sale, &c. of lands.

193. The Corporation shall apply all moneys from time to time receivable by them in respect of any sales, exchanges, or dispositions of lands and premises by this part of this Act authorised, including any money received as a fine on the granting of any lease by the Corporation under the provisions herein-before in that behalf contained, in or towards paying off moneys (if any) raised otherwise than by means of Corporation stock for the time being owing on the credit of the fund, out of which such lands or premises were purchased or acquired, independently of the sinking fund, and the borrowing powers of the Corporation shall be reduced to the extent of any amount so paid off. And if no such moneys shall be owing, then the moneys receivable by the Corporation as aforesaid shall be carried to the credit of the Blackburn Corporation Consolidated Loans Fund herein-after constituted.

Notice to be given of taking houses of labouring classes.

194. The Corporation shall, not less than eight weeks before they take in the borough fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes, as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Corporation shall not take any such houses until they have obtained the certificate of a justice, not being a member of the

Corporation, that it has been proved to his satisfaction that they have so made known their intention. A.D. 1882.

Corporation to procure accommodation for persons of the labouring classes to be displaced.

195. Before taking in the borough fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers the Corporation shall (unless the Corporation and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice not being a member of the Corporation, and the Corporation may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may hold and demise or sell the same, and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

Land sold to be free from consolidated stock, &c.

196. When any land, rents, or property is or are sold, demised, or otherwise disposed of by the Corporation, the same shall in the hands of any person or body corporate to whom the same shall have been sold, demised, or otherwise disposed of, and his or their heirs, executors, administrators, successors and assigns, be absolutely free from all claims, charges, or obligations in respect of any bonds, mortgages, annuities, consolidated stock, or other securities, granted or issued by the Corporation, and such person or body corporate shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale, or be in any way responsible for the non-application thereof.

Part XII.—Police.

Places for dancing, music, and other entertainments.

197. For the regulation of places for public dancing music or other public entertainment of the like kind the following provisions shall have effect (namely):

(1) After the passing of this Act, a house, room, or other place, licensed for the sale of wine, spirits, beer, or other fermented or distilled liquors, or a room, garden, or place shall not be kept or used for public dancing, music, or other public entertainment of the like kind, without a licence for such one or more of the purposes for which the same respectively is to be used first obtained from the justices acting for the borough,

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for which license the fee of five shillings shall be paid by the person applying for the same;

(2) Such justices may under the hands of a majority of them assembled at any special session convened by fourteen days' previous notice, grant licenses to such persons as they think fit to keep or use houses, rooms, gardens, or places for all or some or one of the purposes aforesaid, upon such terms and conditions and subject to such restrictions as they by the respective licenses determine, and every license shall be in force for one year unless the same shall have been previously revoked as herein-after provided;

(3) Such justices may from time to time at any such special session aforesaid transfer any such license to such person as they think fit;

(4) Each person shall in each case give seven days' notice to the clerk of the justices of his intention to apply for any such license or for the transfer of any such license;

(5) Any house, room, garden, or place kept and used for any of the purposes aforesaid, without such license first obtained, shall be deemed a disorderly house, and the person occupying or rated as occupier of the same shall be liable to a penalty not exceeding five pounds for every day on which the same is kept and used for any of the purposes last aforesaid;

(6) There shall be affixed and kept up in some conspicuous place on the door or entrance of every house, room, garden, or place so kept or used and so licensed as aforesaid an inscription, in large capital letters, in the words following, "Licensed in pursuance of Act of Parliament;"

(7) Any house, room, garden, or place so kept or used, although so licensed as aforesaid, shall not be open for any of the said purposes except between the hours stated in the license;

(8) The affixing and keeping up of such inscription as aforesaid, and the limitation of the hours of opening, shall be inserted in and made conditions of every such license; and in case of any breach or disregard of either of these conditions, such license shall be liable to be revoked by the order of any two justices;

(9) No notice need be given under sub-section (4) of this section when the application is for a renewal of an existing license held by the applicant for the same premises;

(10) The justices in any petty sessions may, if and as they think fit, grant to any person applying for the same a license to keep or use any house, room, garden, or place for any purpose within the meaning of this section for any period less than three months, which they shall specify in such license, not-

withstanding that no notices shall have been given under sub-sections (2) and (4) of this section. A.D. 1882.

For preventing projections over streets.

198. After the passing of this Act it shall not be lawful for any person, without the previous consent of the Corporation, to erect, or cause to be erected, any crane or apparatus for hoisting or lowering goods, or fix or set up, or continue, or cause to be fixed or set up or continued, any signboard, sign, article, or thing which projects in a dangerous or objectionable manner over any part of any carriageway or footway, and every person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding forty shillings for each and every such offence and to a continuing penalty not exceeding one pound for each and every day during which the offence shall continue.

For preventing obstructions on highways.

199. After the passing of this Act it shall not be lawful for any person to permit or suffer any vehicle, carriage, cart, sledge, truck, or barrow, to be left standing upon any highway, or any part of any highway, so as to obstruct or interfere with the ordinary traffic, except for a reasonable time for loading or unloading, and the owner or person in charge of any such vehicle, carriage, cart, sledge, truck, or barrow, acting in contravention of this provision shall be liable for each and every offence to a penalty not exceeding forty shillings.

Part XIII.—Markets and Slaughter-houses.

Power to continue and establish markets and fairs and slaughter-houses.

200. With respect to cattle and other markets and fairs, and the providing of weighing-houses and slaughter-houses, the Corporation shall have the following powers, viz.:

(1) They may continue and from time to time appoint and provide such cattle markets and market places and market houses for the sale of marketable articles, and places for fairs, as they shall deem necessary, with offices, approaches, and conveniences, and maintain, repair, keep, and uphold the same;

(2) They may continue all markets and fairs held at the commencement of this Act, and may from time to time alter the days on which and the places at which the same respectively are or may be held, and may establish and hold new markets and fairs, and generally may establish and hold all such markets and fairs on such days, at such times, and in such places as they shall deem expedient;

(3) They may provide and keep weighing-houses or places, weights and measures, scales, and machines for weighing or

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measuring articles and weighing carts, and may appoint and keep persons to attend to such weighing or measuring;

(4) They may continue and maintain existing and from time to time provide and maintain additional slaughter-houses, with or without fittings and conveniences;

(5) They may demand and receive tolls, stallages, and rents (not exceeding the tolls, stallages, and rents specified in the Sixth Schedule to this Act) from persons selling or offering or exposing for sale cattle or articles in any market or fair in the borough, or using or occupying the shops, stalls, standings, or other conveniences in the markets or fairs, or using the weighing-house or places, weights, measures, scales, or machines in the markets or fairs, or using the slaughter-houses;

(6) They may alter or discontinue any cattle or other market or fair of the Corporation, and enlarge, improve, alter, or remove any market place or market house, or any place for cattle, or other markets or fairs, or any slaughter-house, or any approach, work, or convenience, or any weighing-house or place belonging to the Corporation;

(7) Provided always, that nothing herein contained shall authorise the Corporation to lay out, establish, or provide any new cattle-market, market place, or market house, for the sale of marketable articles, or alter or discontinue any market, or enlarge or remove any market-house within the manor of Blackburn, without the consent in writing of the lord of the said manor for the time being first had and obtained.

Limits of markets.

201. The limits of this Act, with respect to the markets, shall be the limits of the borough.

Sewerage and drainage of markets.

202. The Corporation shall cause all market places, market houses, and markets generally, to be sufficiently sewered and drained, and may execute the works necessary for the sewerage and drainage thereof, and may connect the sewers and drains made for that purpose with any main or other sewers within the borough, and may maintain and from time to time repair, alter, and remove such sewers, drains, and connexions.

Market tolls for stalls, &c. payable by successive occupiers.

203. The several tolls payable in respect of the occupation or use of any stall, shed, standing station, or place, in any market house or market place, shall be paid not only by the original taker or occupier thereof for part of a day if he do not occupy it the whole day, but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

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Recovery of tolls.

204. If any person liable to the payment of any stallage, rent toll, or charge for weighing payable to the Corporation under this Act does not pay the same when demanded, the Corporation or their lessee, or any person authorised by the Corporation or their lessee to collect the same, may seize and detain the animal or article in respect of which the same is payable, or any other animal or article then or thereafter in the market belonging to the person liable to pay the same, and if the amount of the stallage, rent, toll, or charge, and the reasonable charges of such seizure and detention, and of the keeping and maintenance of the animal or article seized be not paid, in the case of perishable articles seized forthwith, and in case of animals or articles other than perishable articles, within four days from the time of seizure, the Corporation or their lessee may forthwith, or on the expiration of those four days (as the case may be), sell the animal or article seized, and out of the proceeds may pay and retain the stallage, rent, toll, or charge, and the charges aforesaid and those of the sale, returning the overplus (if any) to the owner of the animal or article seized, or such stallage, rent, toll, or charge may be recovered in any court of competent jurisdiction.

Power to let stalls, &c.

205. The Corporation may from time to time let to any person any stall, standing, shed, site, place, or other convenience in the markets, market-houses, or market-places, for any time not exceeding three years, at such rent and on such terms, pecuniary and otherwise, and conditions as the Corporation may deem expedient.

Power to let tolls of markets, &c.

206. The Corporation may from time to time demise, for any term not exceeding three years, all or any of the stallages, rents, tolls, and charges receivable in respect of the markets, fairs, weighing-houses or places, and slaughter-houses, and either with or separate from all or any of the works and conveniences of the Corporation in the markets, on such terms, pecuniary and otherwise, and conditions as the Corporation and their lessees mutually agree on.

Tolls to be taken by lessees, &c.

207. Tolls, stallages, and rents, not exceeding the several tolls, stallages, and rents specified in the Sixth Schedule to this Act, may be demanded and taken by the officers of the Corporation, and by the lessees of the Corporation and their officers respectively; and if any such officer or lessee shall demand and take any tolls, stallage, or rent not authorised to be taken under this Act, he shall for every such offence be liable to a penalty not exceeding twenty shillings.

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Leases of slaughter-houses, &c.

208. The Corporation from time to time may let the slaughter-houses, or any of them, for any term not exceeding three years, on such terms, pecuniary and otherwise, and conditions as the Corporation may deem expedient.

Assignment of leases.

209. No lease of any stallages, rents, tolls, or charges receivable in respect of the markets, fairs, weighing-houses or places and slaughter-houses, shall be assigned without the consent in writing of the Corporation.

Byelaws as to markets, fairs, and slaughter-houses.

210. The Corporation may from time to time make, and when made alter, add to, and repeal, byelaws for all or any of the following purposes (that is to say):

(1) For fixing the time during which any particular kind of commodity, animal, or thing may be sold, exposed, or offered for sale in any market or fair, and for the bringing or removal of any commodity, animal, or thing, to or from any market or fair before or after sale, or before or after the closing of such market or fair;

(2) For prescribing the mode in which the carcases of animals or parts thereof may be conveyed to and from the markets or slaughter-houses;

(3) For preventing the bringing into any market, or fair, or slaughter-house, or the approaches and conveniences connected therewith respectively, of any diseased, injured, offensive, injurious, adulterated, or spurious commodity, animal, or thing;

(4) For regulating the time for and the manner of collecting stallages, rents, and tolls payable to the Corporation in respect of the markets and fairs, slaughter-houses, weighing machines, shops, stalls, stands, sheds, pens, stations, spaces, and other conveniences connected therewith respectively;

(5) For the regulation of slaughter-houses.

Names of offenders against certain byelaws may be published in markets.

211. The Corporation may publish in any market, fair, or slaughter-house, for the time being under their management, the name of any person who shall have been convicted of any offence against any byelaw for the time being in force with respect to any such market, fair, or slaughter-house, or any person in relation thereto.

Market inspectors, &c. may be made constables.

212. The Corporation may cause the superintendent, inspectors, and collectors of tolls, rents, and stallages of markets or slaughter-houses, now or hereafter belonging to or under the control of the Corporation, and all persons appointed to assist them, permanently or otherwise, to be sworn before a justice as constables, and the

men so sworn shall have all such powers, authorities, and privileges, and shall be liable to all such responsibilities, and (subject to the directions of the Corporation) shall perform all such duties as constables appointed under the Municipal Corporation Acts: Provided, that no constable not in uniform shall act unless provided with his warrant.

Public notice of removal of markets, &c.

213. Notwithstanding anything in this Act, before the Corporation remove any market or fair, or alter the day for holding any such market or fair, they shall give at least one month's public notice, by advertisement in some one or more newspapers circulating in the borough, and by placards affixed to a conspicuous place in the borough, and a statutory declaration by an officer of the Corporation, to the effect that public notice has been given in accordance with this section, shall be received as evidence of the facts thereby declared.

License for sale from door to door.

214. The Corporation may from time to time, if they think fit, grant to any person a license to sell or expose for sale, from door to door, any article in respect of the sale or exposure for sale whereof in any market-place or market-house, or in respect of the user of any stall or other convenience for the sale or exposure for sale whereof in any market-place or market-house any toll, stallage, or rent is leviable by or payable to the Corporation, every such license being granted on such terms and conditions as the Corporation think fit, and to endure for a period not exceeding twelve months, and to be revocable in such cases as the Corporation prescribe, and the Corporation may demand and take for every such license any sum not exceeding one pound; and if any person does any act for which such a license is required without having obtained such a license, or does any act in contravention of or omits to do anything required by a license granted to him, he shall be liable to a penalty not exceeding forty shillings for every day on which any such offence is committed by him.

Prohibition of sale except in markets.

215. If any person not licensed by the Corporation under this Act, other than a hawker holding an excise license, sells or exposes for sale except in his own dwelling-place or place of business, or carries about for sale any article in respect whereof or in respect of the user of any stall or other convenience for the sale or exposure whereof the Corporation are entitled to take any toll, stallage, or rent in any market or fair, he shall for every such offence be liable to a penalty not exceeding forty shillings.

Sale of cattle out of market.

216. Every person who within the borough, except in a cattle market provided by the Corporation, sells or offers or exhibits

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for sale, or permits to be sold, or to be offered or exhibited for sale, any cattle other than cattle which are in good faith his own property, and have been in his possession within the borough for the space of seven days next before such sale, offer, or exhibition, shall be liable to a penalty not exceeding five pounds, but nothing in this section shall prevent any person selling, or offering, or exhibiting for sale in any house, yard, or land of which he is owner, lessee, or yearly tenant, any cattle which shall have been in good faith his own property and in his possession within the borough for the space of seven days next before such sale, offer, or exhibition.

Saving for pedlars and horse-dealers.

217. Nothing in this Act nor in any byelaw thereunder shall interfere with the lawful exercise of their calling by pedlars or horsedealers duly licensed under any Act relating to such callings.

Forfeiture of articles left in markets.

218. 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 of a perishable nature, be not claimed within one hour after the closing or, not being 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.

Slaughtering prohibited except in Corporation slaughter-houses.

219. No person shall except with the consent of the Corporation slaughter any animal or dress any carcase in any place within the borough except in the slaughter-houses already provided, or hereafter to be provided by the Corporation, and if any person acts in any respect in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds: Provided always, that this section shall not apply to any slaughter-house in the borough which was used as a slaughter-house prior to the year one thousand eight hundred and fifty-four, and which has been used as a slaughter-house continuously up to the date of the passing of this Act, so long as such slaughter-house is maintained in a proper sanitary condition and is continued to be used as such.

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Corporation may prescribe for what purpose any market may be used, &c.

220. The Corporation may from time to time make byelaws for defining and specifying the lands and buildings on or in which any particular market or fair shall be held, and may, by any such byelaw, define and specify the goods, animals, and articles which may be brought or delivered upon or into any market, fair, or slaughter-house of the Corporation, and the mode and conditions of and attending such bringing and delivering respectively, and what shall be deemed wholesale or retail in any or each class of animals, articles, and things, and the form and manner in which any names and announcements shall be placed and made in or upon any premises in any market, fair, or slaughter-house, and the mode of weighing and of evidencing and registering the weights of carts, animals, articles, or things weighed at the weighing-houses of the Corporation, and the charges to be made for weight-tickets, and any person who shall contravene any provision made by any such byelaw shall be liable for every such offence to a penalty not exceeding forty shillings.

Regulation of shows, caravans, &c. during fair time.

221. The Corporation may from time to time make byelaws for prescribing hours between 11 p.m. and 6 a.m. within which, during any fair, or at any other time, any show, booth, caravan, circus, or exhibition, may be kept open, and for preventing such places being open on Sundays, and for preserving order therein, and in case anything is done or omitted in contravention of any such byelaw, then without prejudice to the recovery of any penalty imposed thereby, the mayor may, by any constable, prevent the opening or keeping open of the show, booth, caravan, circus, or exhibition in respect whereof the offence is committed.

Corporation may erect refreshment rooms, &c.

222. The Corporation may, in connexion with their markets and fairs, erect and maintain one or more lodges for the residence of the superintendent, inspector, or inspectors thereof, and also refreshment and retiring rooms and urinals, and such other accommodation as may be necessary for the convenience of the public frequenting the said markets, fairs, and slaughter-houses, and may from time to time demise such rooms for any period not exceeding three years.

Double toll on animals, &c. left in market at the close.

223. If any animal, article, or thing brought into a market of the Corporation, and liable to toll, be not removed at or before the closing of such market, the toll payable in respect thereof shall be doubled in amount, and all the provisions for the time being in force with respect to the recovery of the ordinary toll on such animal, article, or thing, shall extend and apply to such double toll.

Power to take possession of

224. If any tenant shall, on demand thereof, after the same shall have become due and payable, make default in the payment

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stalls, &c. for non-payment of rent, &c.

of any toll, rent, or charge payable to the Corporation in respect of any stall, booth, stand, shed, hiring, fixture, or property in any market, fair, or slaughter-house, the Corporation may enter upon and take possession thereof, and re-let the same without prejudice to any other remedy for the recovery of such toll, rent, or charge.

Part XIV.—Hackney Carriages, Omnibuses, &c.

Power to make byelaws as to public vehicles and hackney carriages.

225. The Corporation may from time to time make, and when made alter, add to, and repeal byelaws for all or any of the following purposes (that is to say):

For regulating omnibuses, tramcars, stage carriages, and other vehicles (herein-after in this part of this Act referred to as "public vehicles") standing or plying for hire, or used for the conveyance of passengers at separate fares in any part of the borough, and the conduct and duties of the proprietors, drivers, and conductors thereof;

For regulating hackney carriages and the conduct and duties of the drivers thereof;

For fixing the fares to be demanded for the use of hackney carriages, and securing publication of such fares in some conspicuous part thereof;

For regulating the number of persons to be carried by public vehicles and hackney carriages, and for preventing the overcrowding thereof, and of nuisances therein;

For fixing the number and situation of the stands for public vehicles and hackney carriages, and the number thereof to ply for hire at each stand;

For prescribing the number and fitness of the animals to be employed to draw public vehicles and hackney carriages, and the disuse for that purpose of unfit animals;

And by any such byelaws the Corporation may apply to public vehicles, and the drivers and conductors thereof, all or any of the provisions of the Town Police Clauses Act 1847, with respect to hackney carriages: Provided, that the word "driver" or "drivers" whenever it occurs in any of the said provisions of the Town Police Clauses Act 1847 shall include every conductor of public vehicles:

Provided that nothing herein, or in section 68 of the Town Police Clauses Act 1847, contained, shall empower the Corporation to fix the stand of any such public vehicle in any railway station, or in any yard adjoining or connected therewith: Provided also, that nothing in this part of this Act, or in the Town Police Clauses Act 1847, shall apply to, or include, or empower the

Corporation to interfere in any way with any wheeled carriage of whatever form or construction which may belong to, or be hired, or used by any railway company for conveying passengers and their luggage to or from their respective railways, or to or with the drivers or conductors thereof, unless such wheeled carriage shall ply for hire in the ordinary way that hackney carriages or stage coaches do:

Provided also, that notwithstanding anything in the provisions so applied, a license granted in pursuance thereof shall be in force for one year only from the date of the license or until the next general licensing meeting of the Corporation Committee, when a day for such meeting is appointed.

Further regulating owners, drivers, and conductors of public vehicles, &c.

226. Whenever complaint shall be made to the Corporation or a committee of the Council that any owner or driver of a hackney carriage or of a public vehicle, or any conductor of a public vehicle, has been guilty of any misconduct in connexion with his calling, or has acted contrary to any Public General Act, or to any byelaw in force in the borough for the regulation of hackney carriages or public vehicles, and the owners, drivers, and conductors thereof, or any of them, the committee may summon such owner, driver, or conductor before them, appointing a reasonable time and place for the hearing of such complaint, and on such hearing it shall be lawful for the said committee to suspend the license (if any) of such owner, driver, or conductor for such period as the said committee 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 said 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.

Penalty for for fraudulent use of numbers and badges.

227. If any person fraudulently, or with intent to deceive, does either of the following things (namely):

(1) Affixes or places on any hackney carriage or public vehicle or cart any figure or number to resemble any figure or number appointed by the Corporation to be affixed to any licensed hackney carriage or public vehicle;

(2) Affixes or carries on his person any badge, figure, or number to resemble any badge, figure, or number appointed by the Corporation to be carried by a licensed driver or conductor;

he shall be liable to a penalty not exceeding forty shillings.

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Part XV.—Town Hall, Park, and Public Buildings.

Town hall, municipal offices, &c. to be part of corporate property.

228. The town hall, sessions house, municipal offices and buildings, park, fire brigade station, and firemen's dwellings, shall form part of the corporate property of the Corporation under and be subject to the Municipal Corporation Acts, and, together with the fire engines and apparatus, and the fire brigade of the borough, shall be respectively maintained, improved, altered, repaired, and furnished out of the borough fund, and as if such expenses and maintenance were necessarily incurred by the Corporation in carrying into effect the Municipal Corporation Acts; but this section shall not be deemed to affect the priority or rights of any incumbrancer of the borough fund.

Power to Corporation to set apart lands for public recreation, &c. and plant and improve the same.

229. It shall be lawful for the Corporation from time to time to set apart and appropriate such portion of any lands vested in them at the passing of this Act or which they may acquire under the provisions of this Act as they may deem necessary or expedient for the purpose of providing public parks, walks, or pleasure grounds for the exercise and recreation of the inhabitants of the borough, and from time to time to level, fence, drain, plant, and otherwise lay out and improve any such lands for the more convenient use thereof, and for ever afterwards to maintain and keep the same in good and sufficient order and condition, and also to support or contribute towards the support of any lands provided for public purposes by any person whomsoever, and all parks, walks, or pleasure grounds shall form part of the corporate property of the Corporation under and be subject to the Municipal Corporation Acts, and shall be respectively provided, laid out, and maintained out of the borough fund, and as if the expenses to be incurred in providing, laying out, and maintaining such parks, walks, or pleasure grounds were necessarily incurred by the Corporation in carrying into effect the Municipal Corporation Acts; but this section shall not be deemed to affect the priority or rights of any incumbrancer of the borough fund.

Power to lay out recreation grounds.

230. The Corporation may from time to time, for the purposes of providing places for public resort or recreation for cricket, football, or other games and sports, or for the drill of any volunteer regiment, or for any other purposes beneficial to the inhabitants of the borough, or for the enlargement or improvement thereof, or of any existing park or place of public resort or recreation, appropriate any lands belonging to the Corporation, or which they may acquire, and for the purposes of any such place may construct, enlarge, maintain, and repair or take down on any such lands such buildings, stands for spectators, walls, and fences as they think

proper, and level, drain, sewer, pave, flag, gravel, lay out, plant, or otherwise improve every such place, and do such other acts as appear necessary to the Corporation with a view to the proper formation, maintenance, improvement, use, and enjoyment of every such place.

The Corporation may from time to time erect and maintain upon any lands so appropriated as places of public resort or recreation, refreshment sheds or rooms, either temporary or permanent, and all necessary and proper conveniences connected therewith, and may from time to time let and demise any lands so appropriated, together with any such refreshment rooms or sheds, and any buildings and erections built or erected thereon, for such terms and at such rents and upon such conditions and stipulations and subject to such covenants and restrictions as they may from time to time determine.

Power to make bye-laws for regulation of parks, &c.

231. The Corporation may from time to time make byelaws for all or any of the following purposes relating to any such park or place of public resort or recreation as aforesaid (that is to say):

For regulating the days on and hours at which such place is to be opened and closed;

For regulating the conduct of persons frequenting such place and excluding or ejecting disorderly and improper persons;

For regulating the days on and hours at which games and gymnastics are to be permitted therein;

For regulating the days on and hours at which bands of music, or music of any sort are or is to be permitted therein;

For regulating refreshment rooms therein, and for determining, subject to the Licensing Acts 1872 and 1874 the days on and hours at which they are to be opened and closed;

35 & 36 Vict. c. 94.
37 & 38 Vict. c. 49.

For preventing or regulating the admission therein of dogs;

For preventing males from intruding on or using playgrounds or other places therein set apart for the use of females and vice versâ;

For preventing or regulating the admission therein of vehicles, horses, and other animals;

For preventing or regulating public meetings therein;

For protecting from injury buildings, terraces, fountains, bridges, walks, seats, fences, and other parts of or things belonging to any such place, and for preventing the destruction or injury of aquatic or other birds, or of animals, or of trees, shrubs, plants, or flowers, or the plucking of flowers or leaves therein.

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PART XVI.—LEGAL MATTERS, &c.

Recovery of penalties, &c.

232. All damages, costs, and expenses recoverable under this Act, or the local Acts or any of them, or under any byelaw made thereunder, and all penalties under any such Act or byelaw, shall be recoverable by the Corporation either according and subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, and as if the word "corporation" were inserted therein instead of the word "company," or, if the Corporation think fit, in the superior courts or any court of competent jurisdiction.

8 & 9 Vict. c. 20.

Provisions as to demolition of improper buildings, &c.

233. In any case where the Corporation are by this Act or the local Acts, or any of them, or the Public Health Acts, or by any byelaws thereunder respectively, or otherwise authorised to demolish or alter any house, building, or other erection, it shall be lawful for the Corporation to cause to be made complaint before a justice of the peace of the matter in default, or in respect of which such demolition or alteration is authorised, who may thereupon issue a summons requiring the owner or occupier of the premises, or the builder or other person in default or engaged in the works, to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint shall be proved to the satisfaction of the justice before whom the same shall be heard, such justice shall make an order in writing on such owner or occupier, builder or person, directing the demolition or alteration, as the case may be, of any such house, building, or erection, or so much thereof respectively as the case may require, within such time as such justice shall consider reasonable, and may also, if he shall think fit, make an order for the payment of the costs incurred by the Corporation up to and inclusive of the time of hearing; and in default of the house, building, or other erection being demolished or altered in the manner, and within the time limited by and according to the exigency of the said order, the Corporation may forthwith enter the premises to which the order relates and demolish or alter the house, building, or erection complained of, and do whatever may be necessary to execute the said order, and may also remove the materials to a convenient place and subsequently sell the same as they think fit, and the amount of expenses incurred by the Corporation in carrying into effect the said order and in disposal of the said materials shall be determined and settled by the surveyor, and may be recovered by the Corporation from the owner or occupier of the said premises, or the builder or person engaged in the work, either by action at law or in a summary manner at the option of

the Corporation in the manner herein by this Act provided as to the recovery of penalties. A.D. 1882.

Surveyor's apportionment of expenses payable by owners to be conclusive after one month.

234. In all cases where the Corporation shall have incurred expenses, for the repayment whereof the owner or occupier of the lands, houses, or other property for or in respect of which the same are incurred is made liable by the application of or agreement with the owner or occupier, or by this Act or the local Acts, or any of them, and such expenses have been settled or apportioned by the surveyor as payable by such owner or occupier, such settlement and apportionment shall be binding and conclusive upon such owner or occupier, unless within one calendar month from the time of written notice being given by the Corporation or their surveyor of the amount of such settlement or apportionment, together with notice of the provisions of this section, he shall by written notice object to such settlement or apportionment, and state the particulars and grounds of his objection; and thereupon such respective amount shall be settled or apportioned by the Court before whom the same expenses are made recoverable.

Interest on such expenses.

235. Notwithstanding any such objection as in the last preceding section mentioned, the expenses therein referred to shall, if not paid within one month after demand thereof by the Corporation, bear interest, from the expiration of such month, after the rate of five per centum per annum, and such interest shall be recoverable by the Corporation with the same expenses and in like manner as they are hereby made recoverable, and notice of the surveyor's apportionment shall be deemed a sufficient demand for all purposes whatsoever.

Tenants for life, &c. to charge expenses on property.

236. It shall be lawful for the owner of any house or land, being tenant for life only, from time to time to charge such house and land with his share or proportion of any charges and expenses incurred by the Corporation, for the repayment whereof such owner is made liable either by application of or agreement with the owner, or by this Act or the local Acts or any of them, and with the expenses of making such charge, and for securing the repayment of such moneys respectively, with interest thereon respectively, after the rate of five pounds per centum per annum, to mortgage for the term of twenty years such house and land unto or in trust for any person who shall advance such moneys, but so that every such mortgage be made with a condition to cease and be void, or with an express trust to be surrendered or reassigned when the money to be thereby secured, with all interest thereon, shall have been fully paid and satisfied, and so that in every such mortgage there be contained a covenant by the mortgagor to pay and keep

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down the interest of the money to be secured during his life, and to set aside during his life, yearly and every year following the execution of such mortgage, one-twentieth part at least of the whole original sum secured by such mortgage, in such manner that no person afterwards becoming possessed of such house or land, or of any estate or interest therein, shall be subject or liable to pay any larger arrear of interest than for six months previous to the time when his title to possession shall accrue or commence, or any greater proportion of the original sum secured by such mortgage than the unexpired term of such mortgage doth or shall bear to the whole term mentioned; and the amounts annually set aside under the covenants of such mortgage shall be invested in Exchequer Bills or other Government securities in the joint names of the tenant for life and the mortgagee, and shall accumulate until the whole amount secured by such mortgage can be paid off, or until the sum so accumulated shall be accepted by the mortgagee in discharge of the like amount of the principal sum secured by such mortgage; and every such mortgage shall be valid in law and equity for the purposes thereby intended, and shall have priority over all previous charges or incumbrances on the property therein comprised; and every such mortgagee and his representatives and assigns shall have the like remedies in case of non-payment of the moneys thereby secured as in the case of other mortgages of the like nature. If the tenant for life shall advance or pay the whole amount of the moneys so repayable as aforesaid, he shall be deemed to be a mortgagee in respect thereof, and shall have the same rights and priority as a mortagee would have under this section, and a certificate of such advance or payment under the hands of the treasurer shall be conclusive proof of the rights of such tenant for life to the extent of the amount certified for under this section.

Mortgagees in possession may recover moneys paid by them for sewering, &c. in same way as principal and interest.

237. Where any building or land shall be in the possession of any mortgagee or other person having in his own right any charge or incumbrance thereon, such mortgagee or other person shall have and exercise the same powers and remedies for the recovery of any moneys paid by him in respect of charges and expenses recoverable as aforesaid from the owner of such building or land as he has or may exercise for the recovery of the principal money secured by such mortgage or the interest thereof.

Power to execute works, &c. in default of persons liable.

238. Whenever by this Act, or the local Acts or any of them, or any byelaw of the Corporation in force at the date of the passing of this Act, or made under the powers of this Act, or any amendments or alterations of any such byelaw or any notice or order of the Corporation, any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made

therein, or if any such work, act, or thing is improperly or insufficiently done, the Corporation may cause such work, act, or thing to be executed, re-executed, or done (as the case may require), and also whenever any work, act, or thing is by this Act, or the local Acts or any of them, or by any such byelaw, notice, or order as aforesaid, prohibited being done, and nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done, and the expenses incurred by the Corporation in any such case shall be settled by the surveyor and be repaid to them by the person making default in the execution or doing of, or improperly, or insufficiently, or unlawfully executing or doing such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by the said Acts or any of them, or any such byelaw.

Power to enter and inspect.

239. The Corporation, by their officers and servants, may at all reasonable times, between the hours of nine in the morning and four in the afternoon, and after twenty-four hours' notice to the occupier of the premises, or, if there is no occupier, to the owner, from time to time enter upon any lands or buildings for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act, or the local Acts or any of them, or of any byelaw of the Corporation in force at the date of the passing of this Act, or made under this Act, or any amendment or alteration of any such byelaw, have been complied with, or whether anything prohibited by this Act, or the local Acts or any of them, or any such byelaw, or amended or altered byelaw, is being done or suffered, or of carrying into execution any of the powers contained in this Act, or the local Acts or any of them, or in any such byelaw, or amended or altered byelaw, without being deemed trespassers, or liable to any action, indictment, or other proceeding on account thereof, and in case of any refusal to permit any such entry the provisions of section three hundred and five of the Public Health Act 1875, relative to obtaining an order of a court of summary jurisdiction authorising entries on premises, shall apply to the purposes of this section.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

240. Whenever any default is made by the owner of any building or lands in the execution of any work by or by virtue of this Act, or the local Acts or any of them, or any byelaw of the Corporation in force at the date of the passing of this Act, or made under this Act, or any amendment or alteration of any such byelaw required to be executed by him, the occupier of such building or lands may, with the approval of the Corporation, cause such work to be executed, and the expense thereof shall be repaid to the

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occupier by the owner, and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

Saving for special contracts between landlords and tenants.

241. Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable or recoverable by this Act, or the local Acts or any of them, or any byelaw of the Corporation in force at the date of the passing of this Act, or made under this Act, or any amendment or alteration of any such byelaw of any owner and occupier as between themselves under any special contract relative thereto.

In executing works in default of owner Corporation only liable for negligence.

242. Whenever the Corporation or their surveyor are by this Act, or the local Acts or any of them, or any byelaw of the Corporation in force at the date of the passing of this Act, or made under this Act, or any amendment or alteration of any such byelaw authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do such work, act, or thing, the Corporation shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of or consequent upon the executing, re-executing, or altering such work, act, or thing, except damages arising from any wilful neglect or default by the Corporation or their officers in or about the executing, re-executing, or altering of such work, act, or thing.

No incumbent of any church, &c. liable to expenses for draining and paving.

243. No incumbent, minister, or trustee of any church, chapel, or place appropriated to public religious worship, which is now by law exempt from rates for the relief of the poor, shall be liable to any expenses under this Act, or the local Acts or any of them, of draining, levelling, paving, flagging, or channelling, metalling, or making good any street, as the owner or occupier of such church, chapel, or place, or of any churchyard or burial ground attached thereto situate within any street, nor shall any such expenses be deemed to be a charge on such church, chapel or other place, or on such churchyard or burial ground, or to subject the same to distress, execution, or other legal process, and the Corporation may, if they think fit, undertake any works from the expenses of which any such incumbent, minister, or trustee is hereby exempted, and defray the expenses thereof out of the general district rates.

Power to apply general district fund in executing works for private owners.

244. Whenever the Corporation are by this Act or the local Acts or any of them, or the Public Health Acts, or any byelaw of the Corporation in force at the date of the passing of this Act or made under this Act, or any amendment or alteration of any such byelaw authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do the same, and whenever the Corporation execute any works

upon the application of or by agreement with the owner of the lands, houses, or other property, for or in respect of which the same are to be executed, the Corporation may apply the general district fund in or towards the executing, re-executing, or altering of such work, act, or thing, but this section shall not affect the liability of any such owner, occupier, or other person to repay the moneys expended by the Corporation.

Expenses due from owners to be a charge on premises.

245. Where the Corporation have incurred expenses, for the repayment whereof the owner of the lands, houses, or other property for or in respect of which the same are incurred is made liable either by application of or agreement with the owner or by this Act, or the local Acts or any of them, the same may be recovered from the person who is owner of such lands, houses, or other property, when the works are completed for which such expenses have been incurred in the manner provided by this Act, or the local Acts or any of them, and such expenses may by resolution of the council be declared, and thereupon shall be a charge on the lands, houses, or other property in respect of which they were incurred, from the time of the commencement of the works in respect of which such expenses are incurred, and shall bear interest at the rate of five pounds per centum per annum till payment thereof, and in all summary proceedings by the Corporation for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Incidents of such charge.

246. Every such resolution as last aforesaid shall be published once at the least in some newspaper for the time being published or circulating in the borough, and the charge thereby created or declared shall have priority over all other charges affecting the said lands, houses, or property, created subsequently to the day of the commencement of the works on account of which such expenses are incurred, and the Corporation shall with respect to such charge, and the lands, houses, or property charged, have the same right of foreclosing the same as belongs to mortgagees in fee of lands, and shall be entitled to demand and recover in any court of competent jurisdiction all title deeds and documents relating to the lands, houses, or property charged from the person or persons for the time being having the custody or possession thereof, and may exercise all such powers of sale and other powers with respect to such charge, and the lands, houses, or property charged as are conferred upon mortgagees by the Conveyancing and Law of Property Act 1881, and this section shall apply to every future agreement with the Corporation for the repayment of any such

44 & 45 Vict. c. 41.

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sums as aforesaid, and the owner either at law or in equity of any lands, houses, or property, entering into any such agreement, whether the works were compulsorily executed or merely authorised and executed by agreement, may charge, and in the case of any agreement as to which the works therein agreed for shall have been completed, shall be deemed to have effectually charged, subject to all prior charges as aforesaid, the inheritance or reversion of such lands, houses or property, with the full amount and interest agreed to be paid, and every such charge shall have the same incidents as are hereby conferred with respect to the charges in this section first referred to, except so far as such incidents are expressly varied by any such agreement or charge.

Successive owners to continue liable.

247. Successive owners of the lands, houses, or other property for or in respect of which any such expenses as are referred to in the section of this Act of which the marginal note is "Expenses due from owners to be a charge on premises," have been incurred shall be liable to the Corporation for the payment of the same or such part thereof as may for the time being remain unpaid until the same with interest thereon as herein-after mentioned shall have been fully paid and satisfied, and such expenses or such part thereof as may for the time being remain unpaid shall constitute a debt due from each successive owner to the Corporation, recoverable from him in a summary manner within six calendar months of his succession, and after that period may be recovered by the Corporation from the owner for the time being of the lands, houses, or other property by action at law in any court of competent jurisdiction to entertain an action for recovery of the amount of such debt: Provided that no debt shall be recovered under the provisions of this section after the expiration of six years from the completion of the works, in respect of which such debt is due, or in the case of instalments, after the expiration of three years from the time when any instalment became due.

Power to enter into possession where owner fails to pay his proportion of new street or other expenses.

248. If the owner of any building or lands liable to any such expenses fails for the space of six months after the same become recoverable from him to fully pay the same with all interest thereon, or if any such owner is or becomes bankrupt, or is after diligent inquiry unknown to the Corporation or cannot be found by them, then and in every such case, and as often as the same happens, the Corporation (by way of additional remedy and whether any action or suit or other proceeding to recover such expenses, charges, or other moneys has been brought by them or not) may on or at any time and from time to time after the expiration of one month from service of a notice to such owner of

their intention to put in force the powers of the present section proceed as follows (namely) :—

(1) The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such building or lands, and in case of non-payment may use all or any such lawful remedies by way of ejectment for non-payment of rent, distress, or otherwise, for recovering and obtaining payment of the same or any part thereof as may be used by landlords in ordinary cases, and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the building or lands, and the tenants, occupiers, and persons liable shall pay the rents and profits to the Corporation, and the receipt of the treasurer shall be and shall alone be an effectual discharge for the same: Provided, that in cases where any owner is also the occupier of such lands and buildings the sum payable by him as rent to the Corporation under this section shall be calculated on the gross annual value at which such lands and buildings are assessed to the relief of the poor at the time of such entry by the Corporation;

(2) Where any such building or lands is or are unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any), or at any time afterwards, while the claim of the Corporation is unsatisfied, then and in every such case, and as often as the same happens, the Corporation may enter into possession of the building or lands, and may occupy and use the same or any part thereof. And in such case the Corporation may from time to time let from year to year, or any shorter period, any such unoccupied or unproductive building or lands, or any part thereof, as if they were owners thereof, and for such rent as the Corporation shall think reasonable, and all such rents shall be paid to the treasurer.

Application of rents and profits received.

249. All rents and profits received in respect of any such building or lands as aforesaid shall be applied in the manner and in the order following (namely) :

1. There shall be paid thereout—

(A) Any chief or ground rent payable in respect of the building or lands;

(B) All taxes, rates, assessments, expenses of repairs, and other outgoings properly payable by the owner in respect of the buildings or lands;

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(c) Interest and principal due in respect of any mortgage debt charged on such building or lands, and ranking in priority to such expenses, or in case such building or lands shall form part only of the security for a mortgage debt charged thereon in conjunction with other buildings or lands then such amount of interest and principal due in respect of any such last-mentioned mortgage debt as shall bear the same proportion to the whole interest and principal as such building or lands shall bear to the whole of the buildings or lands so charged;

(d) All costs and charges incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such expenses;

2. There shall be retained on behalf of the Corporation the amount which the owner is, at the time of the commencement of such receipt by the Corporation, liable to pay on account of such expenses and interest in respect of the same, or any other building or lands in the same or any other street;

3. The surplus (if any) shall be paid to the owner, his representatives, or assigns.

Penalty on occupiers refusing execution of Act.

250. In case the occupier of any house or part of a house prevents the owner thereof from carrying into effect in respect thereof any notice given by the Corporation under this Act or the local Acts, or any of them, then, after notice of this provision given by the owner to the occupier, any justice, upon proof thereof, may make an order in writing, requiring the occupier to permit the owner to execute the works required by such notice to be done; and if, after the expiration of seven days from the service of such order, the occupier continues to refuse to permit the owner to execute the said works, he shall, for every day during which he so continues to refuse to permit the owner to execute such works, be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Forms in schedule authorised.

251. The forms contained in the Seventh Schedule to this Act, or any forms to the like effect, with such variations or additions as circumstances may require, may be used as instruments under this Act.

Corporation may allow time for repayment of expenses due from owners.

252. The Corporation may in respect of any expenses for the repayment whereof the owner or occupier of the lands, houses, or other property for or in respect of which the same are incurred is made liable either by application of or agreement with the owner or occupier, or by this Act or the local Acts, or any of them, allow to such owner or occupier time not exceeding seven years for the repayment thereof, or any part thereof, either in one sum or by instalments, with interest for the principal money from time to time remaining due, at a rate not exceeding five pounds per centum per annum, but all sums so remaining due, notwithstanding the Corporation have agreed so to allow time, shall from time to time at the expiration of the several times allowed be recoverable from the respective owner or occupier for the time being both present and future in succession, one after another, as the same respectively would have been recoverable from the original owner or occupier if no such time had been allowed, and with respect to any instalment the time limited by any Act, for the recovery of the expenses of which it forms part, shall be deemed to run only from the time when such instalment becomes due.

Mode of making and confirming and power to repeal alter, &c. byelaws.

253. All byelaws made under this Act shall be made, confirmed, and enforced in the same manner and subject to the same regulations as byelaws made by an urban sanitary authority under the provisions of the Public Health Acts; and the Corporation may in the same manner and subject to the same regulations from time to time repeal, alter, or amend all or any of the byelaws now in force within the borough.

Right of appeal.

254. Where any person deems himself aggrieved by any order or determination of the Corporation, or of any officer of the Corporation, under Parts I. to XVII. of this Act, or the withholding of any consent or approval required to be given by the Corporation, or by any officer of the Corporation, under this Act, or by any order, conviction, judgment, or determination of or by any matter or thing done by any court of summary jurisdiction, such person shall have the same right of appeal as is provided by section two hundred and sixty-nine of the Public Health Act 1875 with respect to the matters therein referred to.

Part XVII.—Financial and Borrowing Powers.

Reserving rights of mortgagees, &c.

255. Nothing in this Act contained shall prejudice, abridge, diminish, or affect the securities, priorities, rights, and remedies of any mortgagees, annuitants, or other persons, but all debts incurred, and all securities given, and contracts and engagements

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entered into by the Corporation previously to the passing of this Act, on the credit of or with respect to the revenues of the gas or water undertakings or rates made under or by virtue of the Corporation Acts, shall and may be respectively enforced and enforceable against and with respect to the said revenues and the general district rates by this Act authorised to be levied, and against the Corporation with respect to the same revenues and rates in as full and ample a manner in all respects as the same respectively could have been enforced against such revenues and first-mentioned rates, and against the Corporation with respect thereto if this Act had not been passed; and, save as is by this Act otherwise expressly provided, the Corporation shall, with respect to the said revenues and the general district rates hereby authorised to be levied, have all the powers for raising money for satisfying such debts, securities, contracts, and engagements as they would have had with respect to such revenues and first-mentioned rates respectively, in case this Act had not been passed.

Rents, tolls, &c., to be carried to the general district fund.

256. All rents, tolls, and other moneys in the nature of revenue received by the Corporation, under the provisions of this Act, or under any other power or authority (except moneys applicable to the borough fund or borough rate, or gas or water undertakings respectively), shall be carried to the credit of a fund, called or to be called "the General District Fund," and the words "the General District Fund" or "the District Fund" wherever used in any of the enactments contained in the Second Schedule to this Act shall be read and have effect as if the general district fund by this Act authorised was specially mentioned in the said enactments in lieu of the general district fund or district fund therein mentioned.

Application of general district fund.

257. The treasurer shall continue or establish a separate account, to be called "the General District Fund Account," of all moneys carried or directed to be carried under this Act to the credit of the general district fund, and such moneys shall be applied by the Corporation in defraying all expenses incurred or to be incurred by them in carrying into execution the provisions of the local Acts (so far as any works, matters, or things, thereby authorised remain to be completed) and of this Act, and of the Public Health Acts, and such other expenses (if any) for which the rates which the Corporation were at the passing of this Act authorised to raise under the local Acts were authorised to be made and levied with the following exceptions (namely):—

(1) Expenses payable out of borrowed moneys;

(2) Expenses payable out of the borough fund and borough rate under any general Act of Parliament or this Act;

(3) Expenses payable out of the revenue of either the gas or water undertakings.

Power to levy general district rate.

258. For the purpose of defraying any expenses chargeable on the general district fund which that fund is insufficient to meet, the Corporation shall from time to time when and as often and for such period as occasion may require or the Corporation shall deem expedient, make and levy throughout the borough a rate or rates, to be called "the General District Rate," and the moneys to be derived from such rate or rates shall be carried to the credit of the general district fund account, and the words "the General District Rate," or "General District Rates," wherever used in any of the enactments contained in the Second Schedule to this Act, shall be read and have effect as if the general district rate or rates hereby authorised to be levied were specially mentioned in the said enactments in lieu of the general district rate or rates therein mentioned.

Separate accounts to be kept.

259. The treasurer shall continue to keep a separate account, distinguishing revenue from capital, of the receipts, payments, credits, and liabilities in respect of the following matters (namely) :—

(1) Markets and slaughter-houses ;
(2) Sewage disposal ;
(3) Baths and washhouses ;
(4) Gasworks ;
(5) Waterworks ;

and the treasurer may from time to time apportion between such several accounts any items relating jointly to two or more accounts.

Manner of making rates.

260. Every rate made under this Act shall be sealed with the common seal of the Corporation, and, so sealed, shall be valid without any signature.

Owners of buildings occupied for trade purposes for a less period than three months to be liable to the rate.

261. In every case where any building assessed on an annual rent or value of ten pounds or upwards shall be occupied or used for the sale of goods, wares or merchandise, or for exhibitions, or any other purposes of trade or gain, for a less period than three calendar months, the owner of such building shall pay the rate which the tenant would otherwise be liable to pay in respect thereof, and the amount of such rate shall be recoverable from the owner as if such owner were himself actually rated.

Certain kinds of property assessed on one-fourth of their value.

262. The owner of any tithe commutation rentcharge and the occupier of land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or

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towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed to the general district rate authorised to be levied under this Act in the proportion of one-fourth part only of the net annual value thereof.

Owners to repay occupiers.

263. If any rate or sum which ought under this Act to be borne or paid by the owner of any rateable property be paid by the occupier thereof, or levied on his goods and chattels, the owner shall reimburse the occupier, and the occupier may deduct the sums paid or levied, with the costs of the distress (if any) paid by him, from the rent due or to become due from him to the owner, or such occupier may recover the same summarily from such owner.

Corporation may rate the occupiers in all cases.

264. Notwithstanding the provisions in the Towns Improvement Clauses Act 1847, requiring that the owners of all rateable property of which the full net annual value does not exceed the prescribed sum, or (where no sum is prescribed) the sum of ten pounds, or which are let to weekly or monthly tenants, or in separate apartments, shall be rated to and pay the rates by that Act or the special Act directed to be made instead of the occupiers thereof, the Corporation may, if they shall think fit, rate all or any of the occupiers of such property.

Discount on rates.

265. The Corporation may from time to time, if they think fit, make an allowance by way of discount, not exceeding the rate of ten pounds per centum on the amount due in respect of rates from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf.

Power to levy rates by distress.

266. If any person neglect to pay any rate leviable by the Corporation under this Act when due it shall be lawful for the Corporation to levy the amount of such rate, or any part thereof, by distress and sale of the goods and chattels of the person neglecting to pay the same.

Security for gas annuities.

267. The gas annuities shall be a charge on the gas rents, rates, and profits payable to the Corporation for the supply of gas in the same manner, with the like priorities, and to the same extent as if this Act had not been passed; and, if and whenever such gas rents, rates and profits are not sufficient for the payment of the gas annuities when due, the deficiency shall be charged on and issue out of the general district rates.

Security for water annuities.

268. The water annuities shall be a charge upon all lands, buildings, rents, rates, tolls, and hereditaments, whether corporeal

or incorporeal, and other property vested or which shall be vested in the Corporation (including therein the property transferred to the Corporation by section forty-six of the Water Act, 1875, and the receipts from time to time accruing from and in respect of such property), in the same manner with the like priorities and to the same extent as if this Act had not been passed.

38 & 39 Vict. c. cxxxvi.

Security for consolidated stock.

269. All consolidated stock shall be a charge upon the borough fund, borough rate, the revenue of the waterworks and gasworks undertakings, and of all landed and other property vested in or belonging to the Corporation, and any other revenue which may be acquired by the Corporation in the same manner with the like priorities, and to the same extent as if this Act had not been passed, and shall also be a charge upon the general district fund and general district rate.

Corporation not to regard trusts, &c.

270. The Corporation shall not be bound to see to the execution of any trust, whether express, or implied, or constructive, to which any annuity or consolidated stock granted or created by them may be subject; but the receipt of the person in whose name any annuity or consolidated stock stands in the register book of the Corporation applicable thereto shall from time to time be a sufficient discharge to the Corporation in respect thereof, notwithstanding any trusts to which such annuity or stock may be subject, and whether or not the Corporation have had expressed or implied notice of any trust, or of any charge or incumbrance upon or transfer of such annuity or stock, or any part thereof or interest therein not entered on their register, and the Corporation shall not be bound to see to the application of the money paid on any such receipt, or be answerable or accountable for any loss, misapplication, or non-application of any of such money.

Gas and water annuities and consolidated stock to continue subject to trusts, &c.

271. The gas and water annuitants and consolidated stockholders shall be possessed of the annuities and stock respectively held by them at the passing of this Act upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which the said annuities and stock were at the passing of this Act respectively held and subject, and the annuities and stock respectively shall accordingly pass and be affected by any will or other instrument in the same manner and to the same extent as if this Act had not passed.

Payment of annuities and dividends.

272. The gas and water annuities and consolidated stock shall be payable at the office at Blackburn of the treasurer to the Corporation clear of all deductions (except income tax), by equal half-yearly payments, as to the gas and water annuities on the first day of August and the first day of February in every year,

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and as to consolidated stock on the first day of July and the first day of January in every year.

Power to borrow

273. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow at interest on the following securities and for the following purposes such moneys as they may from time to time think requisite for those respective purposes, not exceeding the following sums (that is to say) :—

(1) On the security of the general district fund and general district rate :

(A) For street improvements the sum of twenty thousand pounds ;

(B) For farm buildings and permanent improvements at the farms acquired by the Corporation for sewage disposal, the sum of five thousand pounds ;

(C) For public baths the sum of two thousand pounds ;

(2) On the security of the borough fund and borough rate :

(A) For tramways, and works connected therewith, the sum of fifty thousand pounds ;

(3) For any other purposes of this Act, including the costs of this Act, on the security of the borough fund, borough rate, general district fund, and general district rate, or any of those securities, the sum of five thousand pounds.

Application of 38 & 39 Vict. c. 83.

274. The Corporation may raise any loans which they are authorised to raise by the issue of securities under the Local Loans Act 1875, and except as to Corporation stock to be issued under the provisions of this Act, the Local Loans Act 1875, shall apply to all the loans to be raised under this Act, and the prescribed method of discharge shall in each case be a sinking fund, and the prescribed period shall in each case be sixty years.

Accounts to be kept by borough treasurer and audited in the same manner as the borough accounts.

275. The treasurer shall, in books kept for that purpose enter or cause to be entered true accounts of all sums of money by him received and paid, and of the several matters for which such sums shall have been received and paid under and by virtue of any of the provisions of this Act or of the local Acts (so far as any work, matter or thing thereby authorised remains to be completed), or of the Public Health Acts, and such books shall at all reasonable times be open to the inspection of any of the aldermen or councillors of the borough, and any mortgagee or incumbrancer under this Act or the local Acts, without fee or reward, and all such accounts, with all vouchers and papers relating thereto, shall be submitted by the treasurer to the auditors of the borough,

elected under the Municipal Corporation Act (herein-after called "the elected auditors"), and such accounts shall be audited without fee or reward in the same manner as the accounts of the borough are directed to be audited, under the provisions of the Municipal Corporation Act.

Accounts to be made out and annually published.

276. In the month of June, or such other month as the Council shall prescribe in every year, the treasurer shall make out in writing and shall cause to be printed a full abstract of the accounts to be kept by the treasurer under this Act for the preceding year ending on the twenty-fifth day of March or such other day as the council shall from time to time prescribe, and a copy thereof shall be open to the inspection of any ratepayer of the borough, at the office of the treasurer, and copies thereof shall be delivered to any such ratepayer on payment of a reasonable sum for each copy.

As to audit of borough fund account.

277. Notwithstanding anything contained in section ninety-three of the Municipal Corporation Act, the submission by the treasurer of the accounts referred to in that section to the elected auditors in the month of June in any year for the year ending on the preceding twenty-fifth day of March, and the audit by the elected auditors of such accounts shall be deemed a sufficient compliance with the said section.

Saving powers of Corporation under Municipal Acts.

278. Nothing in the local Acts or this Act shall restrict any of the powers of the Corporation under the Municipal Corporation Acts or otherwise for borrowing money or otherwise.

Restricting exercise of borrowing powers.

279. After the conversion of any annuities, or mortgages, or bonds into consolidated stock under the provisions of the Improvement Act 1879, it shall not be lawful for the Corporation to issue mortgages, or bonds, or any other securities for the amount so converted or raised or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.

Reserving provision as to sinking fund.

280. Notwithstanding the conversion by the Corporation of any annuities, mortgages, or bonds of the Corporation into consolidated stock, the Corporation shall be under the same obligation to provide a sinking fund or otherwise to pay off the moneys raised by means of consolidated stock, as if the said annuities, mortgages, or bonds had remained unconverted.

All sinking funds and other moneys applicable to the payment of any moneys for the time being raised by the creation and issue of consolidated stock may be applied from time to time by the Corporation in the purchase of consolidated stock, and all stock so purchased shall thereupon be cancelled; and in the meantime,

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as regards moneys applicable to such repayment and not forming part of any sinking fund, the Corporation may invest and apply the same in like manner as if they were moneys paid into a sinking fund created under section fifteen of the Local Loans Act 1875.

Further provision as to consolidated stock certificate.

281. If the certificate of any consolidated stock shall be endorsed with a certificate under the hand of the town clerk in the form set forth in the Eighth Schedule to this Act, or to the like effect, it shall not be necessary for any person or body to enquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation.

Consent of trustees or incapacitated persons &c. to conversion.

282. Any person who holds any security or annuity granted by the Corporation before the passing of this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act 1845, section seven, to sell land under that Act, may in the manner and to the extent in the said section provided consent to any arrangement authorised by this Act for the conversion of such security or annuity into consolidated stock, and to the payment of such security before the time limited for the payment thereof.

Power to invest in consolidated debenture stock.

283. Any trustees or other persons for the time being authorised or directed to invest any moneys on the mortgages or debentures of a municipal corporation or urban sanitary authority, shall, unless the contrary is provided by the instrument authorising or directing such investment, have the same power of investing such moneys in consolidated stock of the Corporation as they have of investing such moneys on the mortgages or debentures of such Corporation or authority as aforesaid.

Priority of existing mortgages.

284. Nothing in this Act or in the enactments in the Second Schedule to this Act contained shall in anywise prejudice or affect the rights of the holders of existing mortgages or bonds of the Corporation, and all mortgages or charges to be created under this Act shall be subject to the mortgages and bonds at present existing and secured upon the same undertakings, rates, or funds.

Priority of gas annuities.

285. No mortgages or charges created by the Corporation under this Act or the enactments in the Second Schedule to this Act, on the security of the gas undertaking shall, during the continuance of any of the gas annuities created by the Corporation under the Improvement Act 1877, have priority over any such annuities against the gas undertaking.

Priority of water annuities.

286. No mortgages or charges created by the Corporation under this Act or the enactments in the Second Schedule to this Act, on

the security of the water undertaking, shall during the continuance of any of the annuities created by the Corporation under the Improvement Act 1854 have priority over any such annuities against the waterworks undertaking. 17 & 18 Vict. c. clxxxiii.

Application of moneys borrowed.

287. All moneys raised or to be raised by the Corporation by borrowing shall be applied only to the purposes for which they are authorised to be borrowed, and to which capital is properly applicable, and for no other purposes.

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

288. The treasurer shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid by way of instalment under this Act, or the local Acts, or any of them, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been paid off by way of instalment, and the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same and the interest thereof has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and any interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return the said treasurer shall be liable to a penalty of not exceeding twenty pounds, which shall be paid to the Local Government Board, and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875, in a summary manner, may be recovered by parties aggrieved within the meaning of that Act. If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to pay by way of instalment or to set apart for the sinking fund the sum required by this Act or the local Acts, or any of them, or have applied any portion of the money set apart for that fund or any interest thereof to any purposes other than those authorised by this Act or the local Acts, or any of them, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which the default is made be set apart and invested as part of the sinking fund, and their order shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of a court of competent jurisdiction, and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to Corporation to issue coupons.

289. The Corporation, from time to time, if and when they think fit, may issue with the mortgages from time to time of the

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Corporation, under the locals Acts and this Act, and with the annuity certificates under the local Acts and this Act, or any of them respectively, coupons for interest from time to time, to fall due upon the mortgages and annuity certificates, and the coupons may be in such form as the Corporation from time to time think fit, so as every coupon refer to every mortgage or annuity certificate to which it relates, and specifies the amount and time of payment of one half-year's interest or annuity to fall due on the moneys secured by the mortgage or the annuity certificate, and the amount of such interest or annuity, and be authenticated by the signature of the treasurer, and be impressed with the common seal of the Corporation.

Power to reborrow.

290. If the Corporation shall, prior to the passing of this Act, have paid off or shall hereafter pay off any money borrowed or to be borrowed by them or any borrowed moneys for the repayment whereof the Corporation are liable otherwise than by means of a sinking fund, or by appropriations, instalments, or annual repayments or out of the proceeds of the sale of land, or of fines, or premiums on leases, they may reborrow the same, and so from time to time: Provided, that all moneys so reborrowed shall be repaid within the time prescribed for the repayment of moneys in lieu of which such reborrowing has been made, and that the moneys originally borrowed, and any amounts from time to time reborrowed under the foregoing provisions for the repayment of such moneys, shall for the purpose of section fifteen 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 in respect of such moneys shall not be in any way affected by reason of such reborrowing.

Compensation may be in land or works.

291. 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 land.

Redemption of water annuities.

292. The Corporation may from time to time redeem all or any of the water annuities by agreement with the holders or holder thereof, but not otherwise, at such price as may be mutually agreed upon.

Water annuitant to deliver up certificate of annuity redeemed.

293. On the redemption of any such water annuity, the water annuitant shall deliver up to the Corporation the certificate of such water annuity, and shall give to the Corporation a discharge for the redemption money, and upon any such water annuity being redeemed an entry of the redemption thereof shall be made in the register of Blackburn Water Annuitants required by the Improve-

ment Act 1854 to be kept by the Corporation, and the water annuity so redeemed shall be wholly extinguished. A.D. 1882.

Cancellation of unissued consolidated stock.

294. From and after the passing of this Act all unissued consolidated stock shall be deemed to be cancelled and extinguished.

Part XVIII.—Corporation Stock.

Interpretation.

295.—(1.) In this part of this Act—

The Bank of England means the Governor and Company of the Bank of England.

(2.) Any power (whether or not coupled with a duty) of borrowing or continuing on loan or re-borrowing money or of creating or redeeming or paying off any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under this Act or under any Act of Parliament public or local passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed is for purposes of this part of this Act a statutory borrowing power.

(3.) Any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation including the Corporation or of any other local authority within section thirty-four of the Local Loans Act 1875 is for purposes of this part of this Act a statutory security.

(4.) The provisions of this part of this Act referring to dividends or interest apply to and include instalments of an annuity and half-yearly or other payments of or in respect of a rentcharge rent or other statutory security.

Creation of Corporation stock.

296.—(1.) Where the Corporation have for the time being any statutory borrowing power then subject and according to the provisions of this part of this Act the Corporation from time to time by resolution of the council may determine to exercise and may exercise that power by creation of stock either redeemable or irredeemable to be from time to time issued for such amount within the limit of the power at such price to bear such half-yearly or other dividends and to be so transferrable that is to say in books or by deed as the Corporation by the resolution direct: Provided that

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all redeemable stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall be of one and the same class and all irredeemable stock at any time and from time to time so created shall be created on such terms and conditions as that the same shall be of one and the same class.

(2.) All stock whether redeemable or irredeemable at any time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall rank equally with all other securities of the Corporation at any time after the first issue of Corporation stock granted by the Corporation in pursuance of any statutory borrowing power.

(3.) The resolution for the first creation of redeemable stock shall provide that such stock shall be redeemable by the Corporation at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the Corporation by that resolution declare.

(4.) Irredeemable stock shall not be redeemable except by agreement between the Corporation and the holder of stock.

(5.) Each resolution for creation of stock shall specify whether the stock thereby created is redeemable or irredeemable.

(6.) Stock so created shall be designated by the Corporation as Blackburn Corporation redeemable stock or as Blackburn Corporation irredeemable stock (as the case may require).

(7.) All stock for the time being so created whether redeemable or irredeemable is comprised in the term Corporation stock when hereafter used in this part of this Act except where either redeemable stock or irredeemable stock is separately mentioned.

Borrowing power to be exerciseable for actual sum raiseable.

297. Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue Corporation stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money for the time being lawfully raiseable by the Corporation under that power or some portion of that actual amount or as the case may be the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any mortgage bond debenture debenture stock annuity rentcharge rent or other statutory security granted by the Corporation.

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Charge of Corporation stock.

298.—(1.) All Corporation stock for the time being issued and the dividends thereon shall be and the same are by virtue of this Act charged indifferently on the whole revenues of the Corporation from time to time arising from the lands undertakings and other property for the time being of the Corporation and on the borough fund and borough rate and on the general district fund and general district rate and on all other funds and rates established and leviable by the Corporation.

(2.) The dividends for the time being payable on all Corporation stock shall rank equally with the interest on all other securities of the Corporation granted or created in pursuance of any statutory borrowing power after the first issue of any Corporation stock and the same dividends and interest shall subject to all charges existing at that date be the first charge on the revenues and rates aforesaid and on the revenues of the funds aforesaid (all which revenues and rates are comprised in the term the Corporation revenues when hereafter used in this part of this Act).

Establishment of Consolidated Loans Fund.

299. For payment of dividends on all Corporation stock and for redemption and extinction or purchase and extinction of all Corporation stock there shall be established and formed a fund called the Blackburn Corporation Consolidated Loans Fund (in this part of this Act referred to as the loans fund).

Contributions to loans fund for dividends.

300.—(1.) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all dividends payable in that year on the several portions of Corporation stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

(2.) They shall provide the sum or sums aforesaid by contributions from the several Corporation revenues if any specifically made liable to provide the same by or under any Act of Parliament or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which interest would have been payable on money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation stock and in default thereof or subject thereto they shall provide the same out of the borough fund and borough rate or out of the general district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and to the objects for which the statutory borrowing power was exercised may consider equitable.

(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act)

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shall be the sums ascertained to be required in that behalf by apportionment of that aggregate amount of dividends among those several Corporation revenues according to the amount of stock the dividends whereon are properly payable thereout respectively.

Contributions to loans fund for extinction of stock.

301.—(1.) In each year the Corporation shall pay into the loans fund a sum or sums equal to the aggregate amount of all sums payable in that year for redemption and extinction or purchase and extinction of the several portions of Corporation stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

(2.) They shall provide the sum or sums last aforesaid by contributions from the several Corporation revenues if any specifically made liable to provide the same by or under any Act of Parliament or by any resolution of the Corporation having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Corporation revenues out of which any yearly or other sums would have been payable towards a sinking fund for discharge or towards payment off by instalments appropriations annual repayments or otherwise of money borrowed by the Corporation under that power if that money had been raised and remained secured otherwise than by Corporation stock and in default thereof or subject thereto out of the borough fund and borough rate or out of the general district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the same amounts as would in the same respective cases have been payable towards a sinking fund or towards payment off as aforesaid those contributions to be subject to accumulation if and as in the same respective cases accumulation was prescribed.

(4.) The Corporation shall from time to time by investment on statutory securities of the sums paid into the loans fund in respect of those several contributions or of proper parts thereof and by like investment of the interest and annual proceeds arising from those securities make and maintain such accumulations as are in this section referred to.

(5.) But if the extinction of any portion of Corporation stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund required by this Act to be applied to the making and maintenance of those accumulations then a sum or sums equal to the dividends on the stock so extinguished shall

thenceforth in every year during the residue of the period expressly or by implication limited for the continuance of any loan by or under the statutory borrowing power in exercise whereof that portion of stock is issued be paid into the loans fund out of the Corporation revenues chargeable with payment of the dividends on that portion of stock.

Raising of contributions to loans fund.

302.—(1.) The Corporation shall from time to time in order to raise the amounts of the several contributions of the two kinds aforesaid out of the several Corporation revenues do all such acts exercise all such powers collect all such money and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purposes of or in relation to the respective statutory borrowing powers in exercise whereof the several portions of Corporation stock are issued.

(2.) If by reason of any limit of a rate or for any other reason there is a deficiency on any Corporation revenue in respect of any required contribution the Corporation shall advance the amount of the deficiency out of the borough fund and borough rate or general district fund and general district rate as the Corporation having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3.) The amount so advanced shall be a debt due from the Corporation revenue on which the deficiency existed to the fund or rate out of which the advance is made and interest shall be payable thereon at the rate of three pounds and ten shillings per centum per annum until repayment and the same debt and interest shall as soon as in the judgment of the Corporation reasonably may be be raised and paid out of the Corporation revenue on which the deficiency existed.

Payment of sale-money rents &c. to loans fund.

303.—(1.) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation on the revenues whereof any Corporation stock is charged.

(2.) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund the rents and profits of any land and other property of the Corporation acquired by them for the purposes of any undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of Corpora-

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tion stock and not otherwise wholly or in part appropriated or made applicable by law or by valid contract.

(3.) The Corporation before making any payment into the loans fund under this section may deduct from the money or the rents and profits to which this section applies any costs and expenses properly incurred by the Corporation in or about any sale lease or other disposition or the collection and receipt of any rents and profits.

Application of loans fund.

304. The Corporation shall from time to time apply the loans fund first in paying the dividends on all Corporation stock and next in redeeming Corporation redeemable stock according to the terms of issue and purchasing for extinction Corporation redeemable or irredeemable stock.

Purchase of irredeemable stock.

305.—(1.) The Corporation shall not be bound to purchase for extinction any Corporation irredeemable stock unless they can do so at or below par that is to say at a price not higher than the nominal amount thereof.

(2.) If any portion of Corporation irredeemable stock is not wholly extinguished within the period expressly or by implication limited in that behalf by this part of this Act then after that period the dividends on that portion of stock while unextinguished shall be paid out of the interest and annual proceeds of such money and securities forming part of the loans fund as are properly applicable to the extinction of that portion of stock and except as far as at any time a deficiency of the loans fund in that behalf exists no further money shall be paid into the loans fund in respect of those dividends out of the Corporation revenues liable to contribute to the loans fund in respect of those dividends.

(3.) But in that case the Corporation shall continue to pay into the loans fund the yearly sum theretofore required to be provided for extinction of that portion of stock until the securities forming part of the loans fund applicable to that extinction are of sufficient value to enable the Corporation to purchase therewith for extinction the unextinguished part of that portion of stock.

(4.) In case at any time after the expiration of the period limited as aforesaid the Local Government Board are of opinion that the Corporation can without material loss regard being had to the price of issue of the portion of Corporation irredeemable stock which ought to be extinguished within that period and to the rate of dividend payable thereon purchase that portion of stock for extinction then the Local Government Board may if they think fit order the purchase for extinction of that portion of stock or of any part thereof.

(5.) In case at any time during any period limited for the continuance of any loan by or under the statutory borrowing power in exercise whereof any portion of Corporation irredeemable stock is issued the Local Government Board are of opinion that regard being had to the market value of Corporation irredeemable stock the provision made for the purchase and extinction of any portion of such stock within the prescribed period is insufficient the Local Goverment Board may from time to time by order direct that the contributions to be made to the loans fund for the purchase and extinction of that portion of stock in accordance with the provisions of this part of this Act shall be increased by such amount as shall be specified in the order so as to provide that the Corporation shall purchase and extinguish or shall be in a position to purchase and extinguish that portion of Corporation stock within the period limited for the continuance of the corresponding loan.

Extinction of stock redeemed or purchased.

306. All Corporation redeemable stock redeemed by the Corporation and all Corporation redeemable or irredeemable stock purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Act extinguished.

Account of loans fund.

307.—(1.) As parts of the general account of the loans fund the Corporation shall keep separate accounts relative to—

(*a*) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock; and

(*b*) Each statutory borrowing power so exercised.

(2.) Those separate accounts shall distinguish and shew—

(*c*) The portions of Corporation stock for the time being unextinguished and chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to that undertaking or purpose; and

(*d*) The amounts of those several portions of Corporation stock redeemed or purchased by means of the loans fund and cancelled and extinguished.

(3.) Those separate accounts shall further distinguish and shew in relation to each undertaking or purpose—

(*e*) All money being capital or in the nature of capital arising from any sale lease or other disposition of land or other property of the Corporation paid into the loans fund and in the judgment of the Corporation properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested; and

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(*f*) All money from time to time received as interest and annual proceeds of the last-mentioned money and securities; and

(*g*) All money from time to time received as rents and profits of any land and other property of the Corporation so as aforesaid acquired and not otherwise appropriated or made applicable; and

(*h*) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the last-mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and

(*j*) All money paid into the loans fund as contributions from the Corporation revenues in respect of dividends on the several portions of Corporation stock chargeable to that undertaking or purpose; and

(*k*) All money paid into the loans fund as contributions from the Corporation revenues in respect of redemption and extinction or purchase and extinction of those several portions of Corporation stock.

Application of income in reduction of contributions.

308.—(1.) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as rents and profits of the land and other property of the Corporation or being money paid into the loans fund as interest on cash balances received by the Corporation or being other money paid into the loans fund but not being capital or in the nature of capital and not being required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation may deal with the same as in this section provided.

(2.) Where any money is standing on a separate account in the loans fund being money required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Corporation after providing for the making and maintenance of those accumulations may if they think fit from time to time invest that money or any part thereof in statutory securities and deal with the interest and annual proceeds of those securities as in this section provided.

(3.) The Corporation may if they think fit from time to time apply the money described in paragraph (1.) of this section and the last-mentioned interest and annual proceeds to either of the purposes following or to both of those purposes in such proportions

as the Corporation from time to time may consider equitable and expedient (that is to say):

(*a*) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the portions of Corporation stock comprised in the separate account on which the money or interest and annual proceeds is or are standing:

(*b*) In reduction of such contributions out of the Corporation revenues as are payable into the loans fund for redemption and extinction or purchase and extinction of those portions of stock.

Determination as to charge of stock.

309. For the purposes of any contribution or account under this part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any loan of the Corporation was contracted or any Corporation stock was issued may from time to time determine and declare on which of the Corporation revenues any loan of the Corporation or any portion of the Corporation stock is or shall be deemed to be primarily or collaterally charged or determine and declare that any loan of the Corporation or any portion of Corporation stock shall be apportioned as regards the charge thereof between or among any of the Corporation revenues and every such determination and declaration shall be effectual to all intents.

Payment off or substitution for existing securities.

310.—(1.) Where any mortgage bond debenture debenture stock annuity rentcharge or other statutory security granted or created before or after the passing of this Act by the Corporation under any statutory borrowing power or other power is outstanding or payable and the Corporation have power with the consent of the holder of that statutory security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the statutory security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the statutory security.

(2.) The Corporation may create and issue Corporation stock to such amount as may be requisite for purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power or other power under which the statutory security was granted or created and any money so raised shall be applied in payment off or redemption of the statutory security.

(3.) In every such case of payment off redemption or substitution the Corporation shall pay and transfer into the loans fund

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the whole or a proportionate part (as the case may require) of any money and securities forming part of any sinking fund applicable to the discharge of the statutory security.

(4.) Where the holder of the statutory security is one of the persons described in section seven of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(5.) Money received by the holder of any statutory security as authorised by this section and Corporation stock issued to him in substitution for any statutory security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the statutory security was subject to immediately before the payment off redemption or substitution and every testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

Extinction or suspension of power.

311. On the issue of any portion of Corporation stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows (namely):

(*a*) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock annuity rentcharge rent or other statutory security granted by the Corporation under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but

(*b*) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be reborrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

General application of money from Corporation stock.

312. Money raised by Corporation stock shall be applied for purposes for which money raiseable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise.

Temporary investment of money raised by stock.

313.—(1.) The Corporation may from time to time invest temporarily or statutory securities other than stock certificates to

bearer money raised by Corporation stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the loans fund.

(2.) The Corporation may if they think fit from time to time apply the interest and annual proceeds aforesaid or any part thereof in reduction of such contributions out of the Corporation revenues as are payable into the loans fund in respect of dividends on the respective portions of Corporation stock by the issue whereof that money is raised.

Appointment of registrar.

314.—(1.) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any provision of this part of this Act as they think expedient appoint and keep appointed an officer of the Corporation or other person or the Bank of England or any other bank or a banker as registrar for all or any of the purposes of this part of this Act (in this part of this Act referred to as the registrar).

(2.) The Corporation in relation to the provisions of this part of this Act and the registrar shall respectively be deemed a banker within the Bankers Books Evidence Act 1879.

42 & 43 Vict. c. 11.

Corporation stock register.

315.—(1.) The Corporation or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this part of this Act referred to as the Corporation stock register).

(2.) The Corporation stock registrar shall be primâ facie evidence of any matter entered therein in accordance with this part of this Act and of the title of the persons entered therein as holders of stock.

Certificates of proprietorship of stock.

316.—(1.) On demand of a holder of Corporation stock, the Corporation may if they think fit give to him a certificate of the proprietorship thereof under their common seal specifying the amount of Corporation stock to which he is entitled (in this part of this Act referred to as a stock certificate).

(2.) A stock certificate shall be primâ facie evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(3.) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

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(4.) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the certificate lost or destroyed.

(5.) An entry of the issue of the stock certificate or of the substituted stock certificate shall be made in the Corporation stock register.

Power for stockholder to transfer.

317. Subject to the provisions of this part of this Act every Corporation stockholder may transfer all or any part of his stock in books or by deed.

Transfer in books.

318.—(1.) If and where the resolution for creation of any portion of Corporation stock makes the same transferable in books and not by deed the provisions of this section shall apply and have effect but not otherwise.

(2.) The Corporation or the registrar shall keep books wherein transfers of Corporation stock so transferable shall be entered (in this part of this Act referred to as the Corporation stock transfer books).

(3.) Every such entry shall be conceived in proper words for the purpose of transfer and shall be signed by the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness.

(4.) Where the Bank of England are the registrar they may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by two or more credible witnesses.

(5.) The person to whom a transfer is made may if he thinks fit underwrite his acceptance thereof.

(6.) Except as otherwise provided by some other Act of Parliament and subject to the provisions of this part of this Act respecting any portion of Corporation stock which the resolution for creation thereof makes transferable by deed and not in books no mode of transfering Corporation stock other than that prescribed in this section shall be good in law.

Transfer by deed.

319.—(1.) If and where the resolution for creation of any portion of Corporation stock makes the same transferable by deed and not in books the provisions of this section shall apply and have effect but not otherwise.

(2.) Every transfer of Corporation stock so transferable shall be by deed.

(3.) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(4.) The deed of transfer when duly executed shall be delivered to and kept by the Corporation or the registrar and the Corporation or

the registrar shall enter a memorial thereof in a book to be called the Register of Transfers of Corporation stock and shall indorse on the deed of transfer a notice of that entry.

(5.) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock certificate.

(6.) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Evidence on transfer.

320.—(1.) The Corporation or the registrar before allowing any transfer of stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(2.) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or the registrar with the approval of the Corporation may require.

Closing of transfer books.

321.—(1.) The Corporation or the registrar with the approval of the Corporation may as regards any portion of Corporation stock close the Corporation stock transfer books or the register of transfers of Corporation stock (as the case may be) on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than fifteen days.

(2.) The persons who on the day of such closing are inscribed as Corporation stockholders shall as between them and their transferees of Corporation stock be entitled to the dividend next payable thereon.

Stamp duty on transfers.

322. Unless the Corporation have compounded for stamp duty all stock issued by the Corporation shall notwithstanding anything in any resolution of the Corporation be transferable by deed and not in books and every deed of transfer of stock transferable by deed shall be duly stamped and the consideration shall be truly stated therein.

Transmission on death.

323.—(1.) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof.

(2.) The Corporation or the registrar shall not be required to allow any executors or administrators to transfer any stock until

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the probate of the will of or the letters of administration to the deceased has or have been left with the Corporation or the registrar for registration and may require all the executors who have proved the will to join in the transfer.

Transmission on marriage &c.

324.—(1.) If the interest in any Corporation stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other than a transfer in books or by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require.

(2.) The declaration shall state the manner in which and the party to whom the stock has been transmitted and shall be left with the Corporation or the registrar.

(3.) If the transmission is in consequence of the marriage of a female stockholder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage or other particulars of the celebration thereof and declare the identity of the wife with the holder of the stock.

(4.) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

(5.) Until the transmission has been so authenticated the Corporation or the registrar shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

Payment of dividends.

325. The Corporation may pay by the registrar the dividends on Corporation stock.

Dividends to executors, &c.

326. The Corporation or the registrar shall not be required to allow any executors or administrators to receive any dividend on Corporation stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation or the registrar for registration.

Evidence of title.

327. The Corporation or the registrar before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of competent persons or of such other nature as the Corporation or the registrar may require.

Dividends to joint holders.

328. Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary

has been given to the Corporation or the registrar by any other of them. A.D. 1882.

Dividends when the joint holder is infant &c.

329. Where Corporation stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar before acting on the letter of attorney may if they think fit require proof to their satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividend warrants by post.

330.—(1.) Where a Corporation stockholder desires to have his dividends sent to him by post he may make a request for that purpose to the Corporation or the registrar in writing signed by him in a form approved by the Corporation and shall give to the Corporation or the registrar an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent.

(2.) The posting by the Corporation or the registrar of a letter containing a dividend warrant addressed to a stockholder at his request at the address so given by him shall as respects the liability of the Corporation and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(3.) Every warrant so sent by post shall be deemed a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Cross Cheques Act 1876. 39 & 40 Vict. c. 81.

Provisions respecting stock certificates with coupons to bearer.

331.—(1.) On demand of a Corporation stockholder the Corporation or the registrar may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that in case of redeemable stock no such certificate or coupons shall give a title to dividends beyond the time limited for redemption.

(2.) A Corporation stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3.) Notwithstanding anything in this Act a trustee shall not apply for purchase take or hold a Corporation stock certificate to bearer unless he is in express words authorised to do so by the instrument creating his trust and any contravention of this provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Corporation or the registrar an obligation to inquire or to take notice whether a person applying for or

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holding a stock certificate to bearer is or is not a trustee or subject the Corporation or the registrar to any liability in case of their or his with or without notice issuing to a trustee a stock certificate to bearer or invalidate any stock certificate issued.

(4.) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable in books or by deed under and according to the provisions of this part of this Act.

(5.) The bearer of a Corporation stock certificate to bearer may on delivery up to the Corporation or the Registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable in the Corporation stock transfer book or by deed as the case may require and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(6.) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

(7.) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(8.) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(9.) Where the Bank of England are the registrar coupons shall be payable at the chief establishment of the bank at the expiration of three clear days from the day of presentation and at any branch establishment of the bank situate more than ten miles from the chief establishment at the expiration of five clear days from the day of presentation.

(10.) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(11.) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of

the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed. A.D. 1882.

(12.) Corporation stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption if any and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negociable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable in books or by deed.

(13.) Where the Bank of England are the registrar they may with the sanction of the Corporation from time to time issue any forms that may be required for carrying into effect the provisions of this part of this Act and may also from time to time make any regulations that are not inconsistent with this part of this Act relative to the following things and when made may alter vary or repeal any such regulations and make other regulations instead thereof or in addition thereto and any such regulations for the time being in force shall be duly observed:

(A) The period for which coupons are to be given;

(B) The mode in which the bank is to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer;

(C) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer;

(D) With respect to anything necessary for carrying into effect the provisions of this part of this Act which relate to or affect the bank.

Nature of Corporation stock; notice of trusts.

332.—(1.) Corporation stock is personal property.

(2.) Corporation stock is not liable to foreign attachment by the custom of London or otherwise.

(3.) No notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certificate to bearer or coupon shall be entered in the Corporation stock register or in any other book kept by the Corporation or the registrar or be receivable by the Corporation or the registrar or affect the Corporation through the registrar or otherwise.

Receiver.

333.—(1.) If at any time the Corporation for two months after demand in writing fail to pay any dividend due on any Corporation stock the person entitled thereto may apply to Her Majesty's High Court of Justice in the Chancery Division for a receiver and the Court may if it thinks fit appoint a receiver on such terms as it thinks fit.

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(2.) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for the purposes of this part of this Act.

(3.) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

Holding of Corporation stock by trustees.

334.—(1.) Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in Corporation stock (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid.

(2.) Provided that where two or more persons are successively interested in trust money no investment thereof shall be made in Corporation redeemable stock at a price exceeding the redemption value of the stock.

Protection of holders of Corporation stock.

335. A person taking or holding Corporation stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Corporation or otherwise in accordance with this part of this Act or whether or not the council or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the council were legal or regular or to see to the application of any money raised by Corporation stock or be answerable for any loss or misapplication thereof.

Annual return to Local Government Board.

336.—(1.) Once in every year at a time appointed by the Local Government Board the Corporation shall send to that board an abstract of the accounts of the Corporation relating to Corporation stock and the loans fund in a form prescribed by that board and verified by a statutory declaration of the treasurer if required by that board.

(2.) In case of wilful default therein by the Corporation the Corporation shall on each occasion be liable to a fine not exceeding two hundred pounds and in case of wilful default therein by the treasurer the treasurer shall on each occasion be liable to a fine not exceeding twenty pounds and every fine under this section shall be recoverable summarily on the prosecution of the Local Government Board and not otherwise.

(3.) If by any such abstract or otherwise it appears to that board that the Corporation have failed to comply with any requisition of this part of this Act in relation to any payment application or investment or otherwise in relation to Corporation stock or the loans fund that board may notwithstanding any proceeding for the recovery of any fine or any other proceeding taken by that board by order require the Corporation to make good the default within a time therein limited.

Unclaimed dividends.

337.—(1.) If at any time any dividend on any Corporation stock is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2.) Where any dividend remains unclaimed for five years from the time for payment thereof the Corporation shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3.) At the end of every successive period of five years from the day when the first dividend becomes payable on Corporation stock first issued after the passing of this Act the Corporation shall publish an advertisement in a newspaper circulating in the borough stating what if any dividends on Corporation stock other than those falling due at the then last half-yearly or other day of payment are then unclaimed and the names and addresses appearing in the Corporation stock register of the holders of the stock on which the dividends are unclaimed.

(4.) At the end of every successive period of ten years from the day when the first dividend becomes payable on Corporation stock first issued after the passing of this Act the Corporation unless it has been otherwise agreed between them and the registrar may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Corporation shall pay the same into the loans fund and may deal therewith as they are by this part of this Act empowered to deal with money paid into the loans fund as interest on cash balances received by them without prejudice nevertheless to the rights under this section of persons showing title to those dividends.

Saving for power to borrow otherwise.

338. Nothing in this part of this Act shall affect any power of the Corporation to raise otherwise than by Corporation stock any money which they do not think fit to raise by Corporation stock but whenever from time to time after the first issue of any Corporation stock the Corporation raise money otherwise than by Corporation

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stock they shall cause to be given to each lender of money so raised notice in writing signed by the treasurer or other authorised officer of the Corporation of the equality of charge which Corporation stock has by virtue of this part of this Act.

Saving for power of revocation.

339. Notwithstanding anything in this part of this Act the council may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the council if and as far as the same has not been acted on by the issue of stock thereunder.

Saving for other obligations.

340. Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Corporation from any obligation imposed on them in relation to any statutory borrowing power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for power to sell lands &c.

341.—(1.) Nothing in this part of this Act shall affect any power or duty of the Corporation to sell lease or otherwise dispose of any land or property of the Corporation or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of Corporation stock or affect any claim of any person under such first-mentioned charge.

(2.) That land or property shall in the hands of the purchaser or other person taking the same under the sale lease or other disposition be by virtue of this Act absolutely freed from the charge of Corporation stock and he shall not be concerned to see to the application of that purchase money or other money or be answerable for any loss or misapplication thereof.

Saving for existing securities.

342. Nothing in or done under this part of this Act shall affect any security or charge created or granted or payable by the Corporation before the date of the first issue of any Corporation stock and the Corporation shall whenever required by the holder of any security or charge aforesaid apply all such money do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied done exercised collected made and levied for his benefit and security if this part of this Act had not been enacted.

Forgery.

343.—(1.) Corporation stock shall be deemed capital stock of a body corporate within the Act of the Session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty (chapter ninety-eight) "to consolidate and amend the statute "law of England and Ireland relating to indictable offences by "forgery."

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(2.) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870. 33 & 34 Vict. c. 58.

Orders of Local Government Board.

344. Any order of the Local Government Board under this part of this Act may contain such directions as the Board think necessary or proper for giving effect thereto and shall be enforceable by writ of mandamus to be obtained by the Board out of Her Majesty's High Court of Justice and may be from time to time cancelled or varied by the Board as the circumstances of the case may require but the Board shall not make any such order without first hearing the Corporation if desirous of being heard which hearing shall be in the form of a public local inquiry and with or without a published report or in such other form as the Board having regard to the circumstances think just and expedient and sections 294 and 296 of the Public Health Act 1875 shall apply to hearings inquiries and other proceedings to which this section relates.

Forms.

345. The forms given in the Ninth Schedule to this Act may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

346.—(1.) Fees not exceeding those specified in the Ninth Schedule to this Act may be taken by or on behalf of the Corporation in the cases therein mentioned.

(2.) The proceeds of fees shall be paid by the Corporation into the loans funds and shall be applied in reduction of contributions out of the Corporation revenues payable into the loans fund in respect of dividends on such portions of Corporation stock as the Corporation having regard to the cases in which the fees are paid determine.

Expenses.

347.—(1.) The expenses incurred by the Corporation in or about the creation and issue of any portion of Corporation stock including any sum paid by them for composition for stamp duty thereon and any other expenses being in their judgment properly chargeable to capital shall be deemed money raiseable under the statutory borrowing power in exercise whereof that portion of stock is issued.

(2.) Expenses of book-keeping and management and other current expenses from time to time incurred by the Corporation in the execution of this part of this Act shall be defrayed as the ordinary expenses of the Corporation are or may be defrayed.

Part XIX.—Miscellaneous.

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Notices to be signed by town clerk or surveyor.

348. Any notice, or other such document under this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Corporation, the signature thereof by the town clerk, or the surveyor on behalf of the Corporation, shall be sufficient authentication.

Publication of orders for works.

349. Every order or notice of the Corporation requiring any person to execute any work which the Corporation by this Act or the Public Health Acts, or otherwise, are entitled to require to be executed by such person, may, if the Corporation think fit, be published once in some local newspaper circulating within the borough, and likewise be publicly posted in the street, building, land, or place, in respect of which such work is required to be executed, and the publication and posting thereof as aforesaid shall be sufficient notice to all owners, lessees, tenants, occupiers, and others interested in the matters referred to in such order or notice: Provided, that in the event of any such order or notice being so published and posted if the owner's address be known to the Corporation, a copy of such order or notice shall be sent to such owner by post or delivered for him at such address: Provided further, that every order or notice to be served by the Corporation upon any railway or canal company shall be delivered or sent by post, addressed to the secretary of such company at their principal office.

Powers of Act to be cumulative.

350. All powers given by this Act shall, unless otherwise expressly stated be deemed to be in addition to, and not in derogation from any other powers conferred upon the Corporation by Act of Parliament, law, or custom: Provided, that no person shall be adjudged to pay more than one penalty (other than a daily penalty for a continuing offence) for the same offence.

Liability to rates not to disqualify justices.

351. No justice shall be disabled from acting in the execution of this Act or the local Acts (so far as the latter remain unrepealed by this Act) by reason of his being liable to the payment of any money towards the rates, or towards any gas or water rate, rent, or charge under this Act.

Contracts for supply of gas or water not to disqualify aldermen or councillors.

352. A contract by any person with the Corporation for a supply of gas or water under this Act or the local Acts (so far as the same remain unrepealed by this Act) shall not disqualify such person from being an alderman or councillor of the borough: Provided always, that any such person being an alderman or councillor shall not be entitled to vote or take any part in the discussion of any matter before the Corporation, or any committee

of the Corporation, relating to any such contract for the time being entered into, or proposed to be entered into, in which he or his partner has, or if the contract were entered into, would have directly or indirectly any pecuniary interest.

Saving rights of Corporation.

353. Except as by this Act otherwise expressly provided nothing in this Act shall take away, abridge, or prejudically affect any right, franchise, power, authority, estate, or interest of the Corporation under the Public Health Acts, or the Municipal Corporation Acts, or any Public General Acts, or under their charters or otherwise, and every such right, franchise, power, authority, estate, and interest may be had, enjoyed, and exercised by the Corporation as fully and effectually as if this Act had not been passed.

Effect of schedules.

354. The Schedules to this Act shall be read and have effect as if they were part of this Act.

Penalties not to be cumulative.

355. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act, the local Acts, and the incorporated Acts, shall be deemed separate Acts.

Costs of Act.

356. The costs, charges, and expenses preliminary to, and of and incidental to the preparing, applying for, obtaining, and passing of this Act, shall be paid by the Corporation out of moneys borrowed under the authority of this Act or out of the borough fund.

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SCHEDULES to which the foregoing Act refers.

THE FIRST SCHEDULE.

First Part.

Local Acts relating to the Borough of Blackburn.

Year, Statute, and Chapter.	Title or abbrievated Title.	Short Title, as referred to in this Act.
1853.—16 Vict. cap. 44.	"The Blackburn Gas Act 1853."	"The Gas Act 1853."
1854.—17 and 18 Vict. cap. 183.	"The Blackburn Improvement Act 1854."	"The Improvement Act 1854."
1860.—23 Vict. cap. 2.	"The Blackburn Gas Act 1860."	"The Gas Act 1860."
1861.—24 and 25 Vict. cap. 155.	"The Blackburn Waterworks Act 1861."	"The Water Act 1861."
1870.—33 and 34 Vict. cap. 160.	"The Blackburn Improvement Act 1870."	"The Improvement Act 1870."
1875.—38 and 39 Vict. cap. 136.	"The Blackburn Waterworks Act 1875."	"The Water Act 1875."
1875.—38 and 39 Vict. cap. 169.	"The Gas and Water Orders Confirmation Act 1875."	"The Gas Order 1875."
1876.—39 and 40 Vict. cap. 15.	"The Local Government Board Provisional Orders Confirmation (Blackburn) Act 1876."	"The Street Improvement Order 1876."
1877.—40 and 41 Vict. cap. 115.	"The Blackburn Borough Gas, Water, and Extension Act, 1877."	"The Improvement Act 1877."
1879.—42 and 43 Vict. cap. 116.	"The Blackburn Improvement Act 1879."	"The Improvement Act 1879."

Second Part.

Public Acts referred to in the foregoing Act with the Local Acts collectively as the Corporation Acts.

"The Municipal Corporation Acts," as defined by the foregoing Act, so far as the same relate to the borough.

The Acts 9 & 10 Vict. cap. 74, and 10 & 11 Vict. cap. 61, and the Baths and Washhouses Act 1878, so far as the same relate to the borough.

The Public Libraries Act 1855, and the Acts altering, amending, or affecting the same for the time being in force, so far as the same relate to the borough.

The Tramways Act 1870, and the Acts altering, amending, or affecting the same for the time being in force, so far as the same relate to the borough.

The Artizans' and Labourers' Dwellings Improvement Act 1875, and the Acts altering, amending, or affecting the same for the time being in force, so far as the same relate to the borough.

"The Public Health Acts," as defined by the foregoing Act, so far as the same relate to the borough..

All public Acts passed before the passing of the foregoing Act, so far as the same relate to the borough, and authorise the borrowing of money by the Corporation, and any Acts altering, amending, or affecting the same for the time being in force.

THE SECOND SCHEDULE.

Enactments of the Local Acts not repealed by the foregoing Acts.

Definitions.

The following expressions and words in the enactments contained in this schedule have the following meanings, namely:

As to Water.

"The fifth year" in section 140 of the Improvement Act 1854 means the year ending the thirtieth day of June, one thousand eight hundred and eighty; the words "annuity," "annuities," "annuitant," and "the improvement fund" in the Improvement Act 1854 mean respectively "water annuity," "water annuities," "water annuitants," and the "general district fund;" and the words "the Company" mean "the Corporation."

"The first recited Act" means the Blackburn Waterworks Act 1845, 8 & 9 Vict. c. 138.

"Deposited plans, sections, and book of reference" in the Improvement Act 1877, mean the plans, sections, and book of reference deposited with the clerks of the peace for the county of Lancaster and the west riding of the county of York, for the purposes of the last-mentioned Act.

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As to Gas.

"Annuity," "annuities," "annuitant," "annuitants," mean respectively the gas annuity, gas annuities, gas annuitant, and gas annuitants.

"The Gas Company" means the dissolved Blackburn Gaslight Company:

"The vesting period" means the 1st January 1878:

As to Borrowing Powers and General Sinking Funds.

"The Act of 1854" means the Improvement Act 1854:

The sum of £54,544, mentioned in section 91 of the Improvement Act 1870, means the sum of money expended by the Corporation in carrying into effect the provisions of the Act of 1854, with respect to the town hall, sessions house, park, fire brigade station, and fire engines and apparatus respectively:

"From the passing of this Act," in the Improvement Act 1870, means from the 9th August 1870:

"Annuities," in sections 122 and 123 of the Improvement Act 1877, means gas annuities:

"Added area" means the area added to the borough under the provisions of the Improvement Act 1877 and the Improvement Act 1879 respectively:

"Street improvements," in section 48 of the Improvement Act 1879, means the street improvements by that Act authorised:

"Consolidated debenture stock," in the Improvement Act 1879, means consolidated stock as defined by this Act.

As to Street Improvements.

"Deposited plans, sections, and book of reference" in the Improvement Act 1879 mean the plans, sections, and book of reference deposited with the clerk of the peace for the county of Lancaster for the purposes of the last-mentioned Act:

"After" or "from the passing of this Act" in the Improvement Act 1879 means after or from the 3rd July, 1879.

As to General Matters.

"On and after the commencement of this Act" in the Improvement Act 1877, and in the Improvement Act 1879, respectively, means on and after the first November, one thousand eight hundred and seventy-seven, and on and after the first November, one thousand eight hundred and seventy-nine, as the case may be;

"The existing borough" in the Improvement Act 1877 and the Improvement Act 1879, respectively, means the municipal borough as the same existed at the date of the passing of those Acts respectively;

"Section 18 of the Improvement Act of 1870, in section 14 of the Improvement Act of 1877, means the section of this Act having for its marginal note, "Corporation may repair private streets after notice to owners;"

"Added area" means the area added to the borough under the Improvement Act 1877 and the Improvement Act 1879 respectively:

"Section 87 of the Improvement Act 1870, mentioned in sub-section 2 of section 12 of the Improvement Act 1879, means the section of this Act having for its marginal note "Certain kinds of property assessed on one-fourth of their value."

AS TO WATER.

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The Improvement Act 1854.

Corporation to issue certificates for annuities.

CXVII. That the Corporation shall, at their own expense, issue to every party in whom any annuity becomes vested under this Act, or to his successors, executors, administrators or assigns on demand in writing being made by him or them of the Corporation, and on delivery by him or them to the Corporation of the certificate of the share in the capital of the Company for which the annuity is substituted, a certificate of the annuity; and such certificate may be in the form in the Schedule (D.) to this Act annexed, or to the like effect.

Certificates of annuities to be renewed when lost, &c.

CXXI. That if the certificate of any annuity be worn out or damaged, then, on its being produced to the Corporation, they may order it to be cancelled, and thereupon the Corporation shall issue a similar certificate to the party then entitled to the certificate so worn out or damaged; or if any such certificate be lost or destroyed, then, on proof thereof to the satisfaction of the Corporation, they shall issue a similar certificate to the party then entitled to the certificate so lost or destroyed; and in either case a due entry of the substituted certificate shall be made by the Corporation in the register of water annuitants; and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Certificates for altered numbers of annuities.

CXXII. That if at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, for his respective annuities, or any of them, then on any such certificate or certificates being produced to the Corporation they may order the same to be cancelled, and shall thereupon issue to him, as he requires, one or more certificate or certificates for any annuities the certificate or certificates for which is or are so cancelled; and in every such case a due entry of the substituted certificate or certificates shall be made by the Corporation in the register of water annuitants; and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence: Provided always, that in every such case the number or the aggregate number of the annuities for which the substituted certificate or certificates are issued, shall be the same as the number or the aggregate number of the annuities the certificate or certificates for which is or are so cancelled.

Certificate to be evidence.

CXXIII. That the certificate of any annuity shall be admitted as primâ facie evidence of the title of the holder thereof, his executors, administrators, successors, or assigns, to the annuity therein specified; nevertheless the want of such certificate shall not prevent the holder of any annuity from disposing thereof.

Register of water annuitants.

CXXIV. That upon the completion of the purchase of the works and property of the waterworks company, the Corporation shall provide and keep a book, to be called "The Register of Blackburn Water Annuitants," and shall enter in such book from time to time the names of the several Corporations and the names and additions of the several persons respectively entitled to annuities in the said waterworks company, and the number of certificates of annuities to which they respectively are entitled, and the respective amounts of

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their annuities, and their surnames or corporate names shall be placed in alphabetical order.

Water annuitants address book.

CXXV. That upon the completion of such purchase as aforesaid the Corporation shall also keep a book, to be called "The Blackburn Water Annuitants Address Book," and shall enter in such book from time to time in alphabetical order the corporate names with the places of business of the annuitants being Corporations, and the surnames of the other annuitants, with their respective christian names and places of abode and descriptions, so far as the same are known to the Corporation; and every annuitant and every burgess of the borough of Blackburn, or if such annuitant be a Corporation, their clerk or agent, may at all convenient times inspect such book gratis, and may require a copy thereof, and for every one hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence.

Annuities to be personal estate.

CXXVI. That the annuities shall be personal estate and transmissible as such, and shall not be of the nature of real estate.

Transfer of annuities to be by deed duly stamped.

CXXVII. That every annuitant may sell and transfer all or any of his annuities, and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be according to the form in the Schedule (E.) to this Act annexed or to the like effect.

Transfers of annuities to be registered.

CXXVIII. That * * * * * * * * * * * the Corporation shall also keep a book, to be called "The Register of Transfers of Blackburn Water Annuitants," and every deed of transfer (when duly executed) shall be delivered to the Corporation and be kept by them, and they shall in such book enter a memorial of every such deed of transfer, and shall endorse such entry on the deed of transfer * * * * * * and shall, on demand, deliver a new certificate to the transferee, and for every such entry of a deed of transfer, with such indorsement and certificate, the Corporation may demand any sum not exceeding two shillings and sixpence; and on the request of any transferee, an indorsement of the transfer to him shall be made on the certificate of the annuities transferred, instead of a new certificate being granted, and such indorsement, being signed by the town clerk, shall be considered in every respect the same as a new certificate; and until such deed of transfer be so delivered to the Corporation, the transferee shall not be entitled to receive any part of the annuities transferred.

Closing of transfer book.

CXXIX. That the Corporation may close such register of transfers for a period not exceeding fourteen days before the days appointed for the half-yearly payments of such annuities; and any transfer of annuities made during the time when the register book is closed shall, as between the Corporation and transferee, but not otherwise, be deemed made after that time.

Transmission of annuities by other means than transfer to be authenticated by a declaration.

CXXX. That if the interest in any annuity become transmitted in consequence of the death, bankruptcy, or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as by this Act provided, and, until the transmission be so authenticated, any person claiming by virtue thereof shall not be entitled to receive any part of the annuity transmitted.

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Contents of declaration in all cases.

CXXXI. That every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice, or before a Commissioner to administer Oaths in Chancery in England, and such declaration shall be left with the Corporation, and thereupon they shall enter the name of the person entitled under such transmission in the Register of Blackburn Water Annuitants, and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence.

Contents of declaration in cases of transmission by marriage, will, &c.

CXXXII. That if the transmission be by virtue of the marriage of a female annuitant the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, shall, with the declaration, be produced to the Corporation; and upon such production in either of those cases the Corporation shall make an entry of the declaration in the Register of Transfers of the Blackburn Water Annuitants.

Commencement and payment of annuities.

CXXXIV. That the annuities shall be computed from the time of the execution of the deed vesting in the Corporation the works and property of the Blackburn Waterworks Company, and shall be paid at the office of the borough treasurer in net money, clear of all deductions whatsoever (except income or property tax, or other tax in the nature thereof, legally chargeable thereon), and shall be so paid by equal half-yearly payments.

Certificate to be demanded before annuity recoverable.

CXXXV. That the Corporation shall not be bound to pay any annuity until the party entitled thereto has demanded, as by this Act provided, a certificate thereof.

Annuities recoverable by suit.

CXXXVI. That if any annuity, or any part of an annuity, being payable, be not paid on demand thereof in writing made by the annuitant or his agent of the Corporation, the annuitant may sue for and recover the same with full costs of suit in any court of competent jurisdiction.

Annuitants may require the appointment of a receiver in certain cases.

CXXXVII. That if within thirty days after any annuity, or any part of an annuity is payable, and after demand thereof in writing, it be not paid, the annuitant may, without prejudice to his right to sue for the amount in arrear, require the appointment of a receiver; and several annuitants whose annuities are so in arrear may join in requiring the appointment of a receiver.

Appointment of a receiver.

CXXXVIII. That every application for such a receiver shall be made to two justices, and on any such application the justices may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the moneys which may then have come or may thereafter come to the hands of the treasurer of the borough, out of the rates and other moneys by this Act made applicable to such payments, until the annuities in arrear, and in respect whereof the receiver is appointed, and all costs, including the costs of receiving such moneys, be paid or satisfied; and when such appointment is made, the moneys so ordered to be paid to the receiver shall be paid to him by the treasurer, and the receipts of the receiver for the moneys so paid shall be valid discharges for the same, and from all claims

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and demands by the annuitant or annuitants in respect thereof; and the money so received by the receiver shall be so much money received by or to the use of the annuitant or annuitants on whose behalf the receiver is appointed, and after the annuities in arrear and costs have been so received the power of the receiver shall cease: Provided always, that if during the continuance of the receivership any part of the annuities of the annuitant or annuitants on whose behalf he is appointed become payable, he may apply any surplus moneys in his hands in or towards payment thereof.

Sinking fund for redemption of annuities.

CXL. That the Corporation shall, in the fifth year after the completion of the purchase of the works and property of the waterworks company, and in every subsequent year, set apart the sum of one thousand five hundred pounds, or such other sum as is herein-after directed, to be applied in the redemption of such annuities; and when opportunity offers shall apply such sum, or any part thereof, in redeeming the annuities; and until opportunity offers shall from time to time invest such sum, or any part thereof, as a sinking fund in the purchase of any of the Parliamentary stocks or funds, or of exchequer bills or other Government securities, or at interest on real securities, and increase the same by accumulation in the way of compound interest or otherwise; and after the redemption of all the annuities, the sinking fund shall be applied in aid of the improvement fund.

SCHEDULE (D) (TO THE IMPROVEMENT ACT 1854).

Form of Certificate of Annuity.

The Blackburn Improvement Act 1854.

Certificate of waterworks annuity, No. , £

By virtue of the Blackburn Improvement Act 1854, the mayor, aldermen, and burgesses of the borough of Blackburn certify that A.B. of is under that Act entitled to perpetual annuity [*or* annuities]. of £ charged on the lands, buildings, rates, rents, tolls, hereditaments, and other property, by the Blackburn Improvement Act 1854, vested in the mayor, aldermen, and burgesses of the borough of Blackburn, and substituted for the share [*or* shares] of £ [each] in the dissolved Blackburn Waterworks Company, numbered [respectively], and such annuity [*or* annuities] is [*or* are] payable to him, his executors, administrators, or assigns, at the office in Blackburn of the treasurer of that borough by equal half-yearly payments, on the day of and the day of yearly.

Given under the seal of the mayor, aldermen, and burgesses of the said borough, this day of in the year of our Lord

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SCHEDULE (E) (TO THE IMPROVEMENT ACT 1854). A.D. 1882.

FORM OF TRANSFER OF ANNUITY.

The Blackburn Improvement Act 1854.

Transfer of Waterworks Annuity.

I, A.B. of, &c. in consideration of £ paid to me by C. D. of do hereby transfer to him, his executors, administrators, and assigns, the perpetual annuity [*or* annuities] No. of £ charged on the lands, buildings, rates, rents, tolls, hereditaments, and other property, by the Blackburn Improvement Act 1854, vested in the mayor, aldermen, and burgesses of the borough of Blackburn, and substituted for the share [*or* shares] of £ [each] in the dissolved Blackburn Waterworks Company, numbered [respectively,] and payable at the office in Blackburn of the treasurer of that borough by equal half-yearly payments on the day of and the day of yearly, and my right and interest therein and thereto.

As witness my hand and seal this day of in the year of our Lord

The Water Act, 1861.

61. The Company shall cause to flow from and out of the Fishmoor Reservoir into the Highercroft Brook, at some point above the old high road from Blackburn to Manchester immediately below the reservoir, for the use of the persons interested in the waters of the said brook as compensation water, a regular quantity of water not being less than one-fifth of a cubic foot for every second of time, and the Company shall not impound the Newfield Brook, nor the stream flowing from Old Bank Lane Ends into the Highercroft Brook, but shall cause the Newfield Brook to flow in its present channel through the Oldhams, New England, Higher House, and Newfield Estates, and shall cause the said stream from Old Bank Lane Ends to flow without the works of the Company into the said Highercroft Brook. Quantity of water to be discharged for compensation out of the Fishmoor Reservoir.

62. The Company shall not appropriate any water from the said Highercroft Brook until they have commenced discharging the quantity of water to be discharged as herein-before provided, nor until they shall have erected a gauge on the said brook for ascertaining the quantity of water to be discharged. Compensation water to be discharged before appropriating water.

63. The Company shall construct and for ever after maintain a suitable measuring gauge within one hundred yards, but not nearer than twenty yards, of the foot of the embankment of the said reservoir, and upon the said Highercroft Brook, over which such quantity of water shall flow or be discharged. Gauge to be erected.

64. If at any time the said gauge shall be in an unfit state of repair or condition for the purposes for which it is intended, the same shall forthwith be put into a proper and efficient state of repair and condition by and at the Persons interested may repair gauge if Company fail to do so.

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expense of the Company, and if the Company fail so to do within three days after notice given to them by or on behalf of any person or persons interested in the water of the said Highercroft Brook, requiring the Company so to do, it shall be lawful for such person or persons to cause such works to be done and performed in connexion with the said gauge as shall be necessary for placing it in a proper and efficient state of repair and condition, and to recover the expense of such works, with full costs of suit, against the Company in any court of competent jurisdiction.

Water discharged down brook to be compensation for water taken.

65. The quantity of water by this Act directed to be discharged down the said Highercroft Brook shall be accepted and taken by the owners, lessees, and occupiers of all mills, factories, and other works, and all other persons using or interested in the waters of such brook, as full compensation for all water to be withdrawn, appropriated, and taken by the Company under the authority of of this Act.

Gauge to be open to inspection.

66. The gauge by this Act required to be erected below * * * * * Fishmoor Reservoir shall * * * be open to the inspection and examination of the owners and occupiers of the several present and future mills and works, or other persons interested in the water so to flow or be discharged through or over the same * * *

Company to employ a proper person for regulating the supply of compensation water.

67. The Company shall from time to time, when and so often as it shall be necessary, at their own expense, employ a proper person who shall manage and regulate the discharge of the compensation water * * * * * down the said Highercroft Brook * * * for the use of the said mills, factories, and other works.

For protection of certain property in the township of Over-Darwen,

69. Nothing herein contained shall authorise the Company to take and convert to the use of the intended compensation reservoir any such part of the land in the township of Over-Darwen, marked 116, 117, and 118 on the plan and book of reference referred to in the first-recited Act, as will in any respect prevent the owner of the said lands, his heirs or assigns, from the use of the water in the Holker House Brook, or to obstruct by backwater the present waterwheel of the Hoddlesden Mill; nor shall the occupiers of the said mill be prevented from throwing their ashes into the brook, without compensation, to be fixed as in other disputed cases.

For protecting the supply of water to Blackburn Old Mill.

71. And whereas there is now situate and being within the township of Blackburn a certain water corn mill called the Old Mill belonging to the Archbishop of Canterbury in right of his See, of which John Fielden and Joseph Fielden, esquires, were the lessees: and whereas it is expedient that the supply of water to such mills shall not be diminished or prejudicially affected by anything to be done in pursuance of this Act: Be it therefore enacted, that nothing in this Act contained shall be held, deemed, or construed to authorise or empower the Company hereby incorporated to abstract or diminish the flow of water now or heretofore used to turn or impel the machinery of the said mill, or otherwise to prejudice the interests of the said owner and lessees, or either of them, or their respective successors, executors, administrators or assigns, with respect to the extent or continuance of such supply of water.

The Improvement Act of 1877. A.D. 1882.

PART III.—WATER.

Incorporation of Acts.

31. The following Acts and parts of Acts (so far as they are applicable and not inconsistent with this Act) shall be incorporated with and form part of this part of this Act (that is to say):

The Lands Clauses Consolidation Acts 1845, 1860, and 1869;

The Waterworks Clauses Acts 1847 and 1863 (except the provisions thereof with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit);

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and with respect to the crossing of roads or other interference therewith; and those provisions shall, for the purposes of this part of this Act, be construed as if the waterworks by this Act authorised were therein mentioned instead of the railway, and, as regards any of the reservoirs by this Act authorised, as if the limits of deviation in the case of such reservoirs were therein mentioned instead of the centre of the railway; and the prescribed limits shall be two hundred yards from every or any part of the respective reservoir.

Power to make new waterworks.

39. Subject to the provisions of this Act the Corporation may make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the reservoirs and works herein-after described with all proper works and conveniences connected therewith respectively, and may enter upon, purchase, take, and use such of the lands delineated on the said plans and described in the deposited book of reference, or any right or easement in or over those lands, or any of them, as may be required for that purpose.

The reservoirs and works herein-before referred to and authorised by this Act are the following:

(1.) A reservoir (herein-after in this Act called "the Brennand Reservoir") to be situate on the Brennand River, and to be formed by an embankment to be constructed across the said river, at a point two hundred and ninety-seven yards or thereabouts above the junction of the stream called Fold's Clough with the said river;

(2.) A reservoir (herein-after in this Act called "the Whitendale Reservoir") to be situate on the Whitendale River, and to be formed by an embankment to be constructed across the said river at a point fifty-three yards or thereabouts below the junction of the stream called Costy Clough with the said river;

(3.) A reservoir (herein-after in this Act called "the Dunsop Compensation Reservoir") to be situate on the Dunsop River, and to be formed by an embankment to be constructed across the said river at a point one thousand six hundred and ninety-eight yards or thereabouts below the junction of the Brennand and Whitendale Rivers;

(4.) A reservoir (herein-after in this Act called "the Lammack Reservoir") to be situate upon certain fields between Pleck Gate and Lammack, and to be formed by an embankment to be constructed across the main brook flowing through the said fields at a point two hundred and sixty-six yards or thereabouts from the centre of the public road at Pleck Gate;

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(5.) An aqueduct, conduit, or line of pipes, to commence in the River Brennand, two hundred and thirty-five yards or thereabouts above the junction of the stream called Tarn Clough with the said river, and to terminate in the said river two hundred and twenty yards or thereabouts above the junction of the stream called Folds Clough with the said river;

(6.) An aqueduct, conduit, or line of pipes, to commence in the stream called Swine Clough, three hundred and sixty-three yards or thereabouts from the junction of the said stream or clough with the River Brennand, and to terminate in the Brennand Reservoir;

(7.) An aqueduct, conduit, or line of pipes, to commence in the stream called Far Pasture Clough, three hundred and eighty-three yards or thereabouts from the junction of the said stream or clough with the Brennand River, and to terminate in the Brennand Reservoir;

(8.) An aqueduct, conduit, or line of pipes, to commence in the Whitendale River, one hundred yards or thereabouts above the junction of the stream called Gutter Clough with the said river, and to terminate in the said river below the embankment of the Whitendale Reservoir;

(9.) An aqueduct, conduit, or line of pipes to commence in the Brennand River, one thousand and eighty-three yards or thereabouts above the junction of the said river with the Whitendale River, and to terminate in the Lammack Reservoir;

(10.) An aqueduct, conduit, or line of pipes, to commence in the Whitendale River, eight hundred and eighty-seven yards or thereabouts above the junction of the said river with the River Brennand, and to terminate by a junction with the aqueduct, conduit, or line of pipes ninthly herein described, three hundred and forty-eight yards or thereabouts from the junction of the rivers Brennand and Whitendale;

(11.) An aqueduct, conduit, or line of pipes to commence in the Brennand Reservoir and to terminate by a junction with the aqueduct, conduit, or line of pipes ninthly herein described, at or near the commencement thereof;

(12.) An aqueduct, conduit, or line of pipes to commence in the Whitendale Reservoir and to terminate by a junction with the aqueduct, conduit, or line of pipes tenthly herein described, at or near the commencement thereof;

(13.) An aqueduct, conduit, or line of pipes to commence in the Lammack Reservoir and to terminate in the town of Blackburn at the junction of Church Street, King William Street, and Darwen Street;

(14.) An aqueduct, conduit, or line of pipes on the southerly side of the Lammack Reservoir, to commence sixty-two yards or thereabouts from the junction of the roads at Lammack, and to terminate two hundred yards or thereabouts from the centre of the public road at Pleck Gate;

(15.) An aqueduct, conduit, or line of pipes on the northerly side of the Lammack Reservoir, to commence at the commencement of the aqueduct, conduit, or line of pipes fourteenthly herein described, and to terminate at the termination of the same aqueduct, conduit, or line of pipes;

(16.) A road to commence in the existing road near Dunsop Bridge eighty-four yards or thereabouts from the centre of the said bridge, and to

terminate at the northerly end of the embankment of the Brennand Reservoir;

(17.) A road to commence in the road lastly herein described where an existing road divides the roads leading to Brennand and Whitendale, and to terminate at the Whitendale Reservoir;

(18.) All necessary and convenient approaches, embankments, discharge tunnels, roads, ways, wells, tanks, filtering beds, weirs, dams, sluices, overflows, outfalls, channels, conduits, drains, mains, pipes, engines, works, and conveniences connected with the said reservoirs and works herein-before described, or any of them, and which may be necessary or proper for taking, diverting, collecting, impounding, storing, using, and distributing the waters herein-after referred to, or for otherwise carrying into full effect all or any of the objects of this Act;

The provisions of the incorporated Acts referring to the taking or occupation of lands and to compensation in respect thereof shall extend to the rights and easements which the Corporation are by this Act authorised to take or acquire and the expression "land" or "lands" in this and the incorporated Acts shall include such rights or easements, and expressions referring to the execution and maintenance of works by the Corporation on lands to be taken or acquired by them shall include the execution and maintenance of such works on lands over which the Corporation, under the provisions of this Act, take or acquire rights or easements only: Provided, that the power of taking rights or easements shall not, except as in this Act expressly provided, extend to any right or easement in or over any water, or any right or easement in or over any land, for any purpose except that of from time to time laying, maintaining, repairing, enlarging and renewing conduits and pipes, and making, maintaining, and renewing roads and ways for access to any of the works by this Act authorised.

For the protection of Stonyhurst College.

40. The Corporation shall carry the conduit No. 9 on the deposited plans through the lands belonging or reputed to belong to the owners of Stonyhurst College in the line shown on the plan of such conduit, signed by the Chairman of the Committee of the House of Lords to whom the bill for this Act was referred, and therein coloured red, and deposited in the office of the Clerk of the Parliaments.

And it shall be lawful for the Corporation to grant a supply of water for the use of the said college from the said conduit.

Provisions for the protection of the Lancashire and Yorkshire Railway Company.

41. In constructing and maintaining the works by this Act authorised, affecting the Lancashire and Yorkshire Railway, or any works or lands of the Lancashire and Yorkshire Railway Company connected therewith, the Corporation shall be subject to the following conditions, namely:—

1. All works crossing or affecting the said railway or the said works and lands, or any part thereof, shall be executed at the expense of the Corporation under the superintendence and to the satisfaction of the engineer for the time being of the Lancashire and Yorkshire Railway Company, and according to plans, sections, and specifications previously submitted to him;
2. If the engineers of the Corporation and of the Lancashire and Yorkshire Railway Company differ concerning the said plans, sections, and specifications, or concerning the execution of the said works, every such

difference shall be settled by an engineer to be appointed by the said two engineers, or (if they cannot agree on such appointment) then by an engineer to be appointed by the Board of Trade on the application of either party;

3. The said works shall be constructed and maintained so that the traffic upon the said railway shall not be in any wise impeded or interfered with;

4. The Corporation shall acquire only an easement in and upon such of the works, lands, and property of the Lancashire and Yorkshire Railway Company as may be necessary for constructing and maintaining the conduits or lines of pipes by this Act authorised to be laid;

5. If by reason of the construction or maintenance of the works by this Act authorised, the railway of the Lancashire and Yorkshire Railway Company, or any of the works or lands connected therewith, shall be damaged or injured or the traffic thereon impeded, the Corporation shall make full compensation for any loss or expense occasioned thereby;

6. The amount to be paid for the acquisition of an easement under the said railway, works, and lands as herein-before provided, including the compensation (if any) for damage or injury to the said railway works and lands respectively, or impediment to the traffic thereon, shall from time to time be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

Restriction on works affecting Post Office telegraph system.

42. The Corporation shall not by any work or thing interfere with any telegraph post, wire, apparatus, or work of Her Majesty's Postmaster-General or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication unless and until the Corporation have given to the Postmaster-General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster-General has approved of the proposed work or thing by writing delivered to the Corporation, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him.

Power for Postmaster-General to annex conditions.

43. Her Majesty's Postmaster-General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of executing any such work or thing as he thinks fit, and the Corporation shall observe and perform the same.

Power of entry for Postmaster-General.

44. The engineer and other officers and servants and workmen of Her Majesty's Postmaster-General may, at and for all reasonable times, enter on, and into, and remain on any of the lands and works of the Corporation, for the purpose of examining, repairing, altering, or removing any telegraph-post, wire, apparatus, or work, the property of the Postmaster-General being thereon.

Compensation by Corporation to Postmaster-General and penalty.

45. The Corporation shall from time to time make full compensation to Her Majesty's Postmaster-General for any expense, loss, or damage which he is put to or sustains by reason of the Corporation, by any work or thing executed or done by them interfering with any telegraph post, wire, apparatus, or work of the Postmaster-General, and if at any time any such work or thing causes an

interruption of or impediment to postal telegraphic communication, the Corporation shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues, and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Corporation to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster-General as a penalty is recoverable from the Corporation.

Power to take and impound waters.

46. Subject to the provisions and for the purposes of this Act the Corporation may from time to time take, divert, collect, appropriate, and impound the waters of the rivers known as the Brennand River, Whitendale River, and the Dunsop River, and of all other brooks, streams, and springs which flow or pass into the same respectively, or from the lands draining to the waterworks by this Act authorised: Provided always, that no water shall at any time be taken, diverted, collected, appropriated, or impounded by the Corporation directly from the Dunsop River (except for the purpose of supplying the Dunsop Compensation Reservoir) at any point below the confluence of the Brennand River and the Whitendale River.

Provision for temporary supply before completion of Dunsop Compensation Reservoir.

47. Until the Dunsop Compensation Reservoir is so far completed and filled with water, as in this Act provided (which time is herein-after in this Act referred to as "the completion of the Dunsop Compensation Reservoir"), the powers of the Corporation under this Act of taking, diverting, collecting, appropriating, and impounding water shall be subject to the following provisions (namely):

(1.) The Corporation may take or use from the Brennand River and Whitendale River, or any of their tributaries, the waters flowing down those rivers or their tributaries respectively, so long and so long only as the flow of water over or through the gauge herein-after in this section mentioned, is not less than one hundred and fifty cubic feet per minute, and they shall permit not less than that quantity of water to flow continuously and uninterruptedly down the River Dunsop in the same manner and course as the whole of the water thereof would, but for the passing of this Act, flow down that river;

(2.) The water so to be permitted to flow down the River Dunsop shall be for the use and benefit of and as full compensation to all persons who but for the passing of this Act would be entitled to the flow of the respective waters of which the same forms part;

(3.) The Corporation, prior to the taking or using of any waters under the provisions of this section, shall erect and construct, and, until the completion of the Dunsop Compensation Reservoir, maintain in good repair, and in a condition effectual for the purpose, such a gauge and gauge basin and such works on the Dunsop River, immediately below the confluence of the rivers Brennand and Whitendale, as shall be proper and sufficient for the purpose of conveniently measuring the flow of water from the Brennand River and the Whitendale River into and down the Dunsop River as aforesaid, and such gauge and gauge-basin shall, as far as practicable, be so constructed as not to entrap or destroy fish.

On non-completion of Dunsop Reser-

48. If the Corporation fail to complete the Dunsop Compensation Reservoir within the period by this Act allowed in that behalf, and so that the same shall

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voir temporary supply to cease.

be capable of delivering therefrom the quantity of water in that behalf in this Act provided, the powers of the Corporation under this Act of taking, diverting, collecting, appropriating, or impounding water from the Brennand River or the Whitendale River, and from the brooks, streams, and springs which flow or pass into the same respectively, and from the lands draining to the waterworks by this Act authorised, shall thenceforth absolutely cease and be at an end.

Provision for compensation water.

49. The powers of the Corporation under this Act of taking, diverting, collecting, appropriating, and impounding water, shall be free from the restrictions and provisions of the two last preceding sections of this Act as soon as the Dunsop Compensation Reservoir shall be so far completed and so far filled with water as that a quantity of water not less than four hundred and twenty-four cubic feet per minute shall be capable of being discharged and shall be discharged therefrom into the Dunsop River, and the Corporation shall thereafter during such times, but during such times only, as the quantity of water so to be discharged shall actually be discharged from the Dunsop Compensation Reservoir into the Dunsop River be entitled to exercise the powers by this Act authorised for the taking, diverting, collecting, appropriating, and impounding water, and the quantity of water so to be discharged as aforesaid shall be by way of full compensation for and in respect of the abstraction and diversion of all water which the Corporation can or may at any time collect or divert from the lands draining to the works by this Act authorised.

Continuous flow of compensation water.

50. The quantity of compensation water by this Act required to be discharged into the Dunsop River shall be so discharged in a regular, equal, constant, and continuous supply during the whole twenty-four hours of every day in the year.

Gauges to be provided by the Corporation.

51. The Corporation shall construct and for ever after maintain in good repair, and in a condition effectual for the purpose, within one hundred yards of the foot of the embankment of the Dunsop Compensation Reservoir, such a gauge and gauge-basin, and such works as shall be proper and sufficient for the purpose of conveniently measuring the flow of water passing out of the said reservoir into the River Dunsop as aforesaid, and such gauge and gauge basin shall, as far as practicable, be so constructed as not to entrap or destroy fish.

Inspection of gauges.

52. It shall be lawful for any person entitled to the flow of the waters of the Dunsop River, in respect of premises situate above the junction of the rivers Hodder and Ribble to have access at all times to the said last-mentioned gauge, and also to the gauge for measuring the quantity of water flowing down the Brennand River and the Whitendale River before the same shall be superseded by the completion of the Dunsop Compensation Reservoir, for the purpose of measuring and gauging the quantity of water from time to time passing through or over the respective gauges.

No water to be taken after completion of Dunsop Compensation Reservoir until gauge completed and certified.

53. It shall not be lawful for the Corporation, after the completion of the Dunsop Compensation Reservoir, to take, divert, collect, appropriate, or impound any of the waters of the Brennand River, the Whitendale River, or the Dunsop River, unless and until the gauge for measuring the compensation water therefrom has been constructed, whereof a certificate under the hands of two justices shall be sufficient and the only evidence.

Penalty on failure to supply the

54. In case the Corporation shall wilfully or after written notice negligently fail to dischage the quantity of compensation water required by this Act to be

discharged into the Dunsop River, the Corporation shall for and during every day on which such failure shall occur, forfeit and pay by way of penalty to any person entitled to the flow of the waters of the Dunsop River, in respect of premises situate above the junction of the Rivers Hodder and Ribble, who shall actually have received damage and incurred loss by reason of such failure the sum of ten pounds, such penalties to be recovered in the manner in which penalties not otherwise provided for are directed to be recovered by the Waterworks Clauses Act 1847, or in any court of competent jurisdiction.

compensation water.

Lateral and vertical deviations.

55. Wherever and so far as the line of any works shown upon the deposited plans passes along any highway, turnpike, or other road, bridge, or street, and no limits of lateral deviation are marked thereon, the Corporation may, in the construction of such works, deviate laterally from the lines thereof as laid down on such plans to the extent of the boundaries of such highway, turnpike, or other road, bridge, or street respectively, and also the Corporation may, in the construction of any works shown upon the deposited plans, deviate laterally from the lines or position thereof as laid down on the said plans to any extent not exceeding the limits of deviation shown on the said plans, and the Corporation may deviate from the levels of the reservoirs as delineated on the deposited sections to any extent not exceeding three feet, and of other works as delineated on the said sections to any extent not exceeding seven feet; but if it be found necessary or expedient in the construction of those works to place the embankment of any such reservoir higher up or lower down the valley in which it is situate than the site thereof shown on the deposited plans, they may within the limits of deviation in the construction thereof and of the works connected therewith, deviate vertically from the levels of such embankment and reservoir, and the works connected therewith, shown on the deposited section: Provided, that the Corporation shall not in the exercise of the powers of lateral deviation by this Act given, construct any embankment or wall of any of the reservoirs herein-before described of a greater height above the general surface of the ground than that shown on the deposited sections with reference to the corresponding embankment or wall thereon delineated, and three feet in addition.

Provisions as to roads.

56. When and so soon as the respective roads by this Act authorised shall have been completed, the Corporation may apply to two justices for a certificate of such completion, and such justices, if satisfied that the respective road has been completed according to the provisions of this Act, shall grant a certificate accordingly, which shall be conclusive evidence of such completion. From and after the granting of such certificate so much of the existing roads as will be rendered unnecessary by the construction of the respective roads by this Act authorised shall cease to be or be used as public roads, and be freed and discharged from all rights of way and other rights or interests affecting the same; and the said respective roads by this Act authorised shall, from and after the granting of such certificate, become public highways and be repairable accordingly.

Period for compulsory purchase of lands.

57. Subject to the other provisions of this Act, the powers of the Corporation for the compulsory purchase of lands, springs, streams, waters, and rights of water for any of the purposes of this Act shall not be exercised after the expiration of five years from the commencement of this Act.

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Power to acquire additional lands by agreement.

58. In addition to the lands, streams, and waters which the Corporation are by this Act authorised to purchase compulsorily, they may for any of the purposes of their waterworks undertaking from time to time by agreement purchase, in consideration of a sum in gross, or of a perpetual, yearly, or other rentcharge, or partly for one consideration and partly for the other, any additional quantity of land not exceeding in the whole thirty acres, or any easement or right (except an easement or right of water) in or over such additional other which they may from time to time think requisite: Provided, that notwithstanding the exception in this section contained, the Corporation may require a right to take the water of any spring in any case in which they would be entitled to the exclusive use of the whole water of such spring on purchasing the land in which the same arises: Provided always, that the Corporation shall not on any such additional lands erect or authorise or permit the erection of any buildings other than buildings necessary for or connected with their waterworks.

Owners may grant easements.

59. Persons empowered by the Lands Clauses Consolidation Acts 1845, 1860, and 1869, respectively, or any of them, to sell and convey or release lands shall, subject to the provisions of those Acts and of this Act respectively, have full power to grant to the Corporation in fee, either absolutely or in consideration of any yearly or other rent, any lands or any easement, right, privilege, power, or authority in, over, or affecting any lands by this Act authorised to be purchased by the Corporation compulsorily or by agreement, and which the Corporation from time to time think requisite for any of the purposes of their waterworks undertaking.

Application of Lands Clauses Consolidation Act 1860 to easements.

60. For the purposes of this Act the provisions of the Lands Clauses Consolidation Acts Amendment Act 1860, with respect to lands and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges granted or reserved by grants of easements under this Act.

Period for completion of waterworks.

61. If the Dunsop Compensation Reservoir is not completed within ten years from the commencement of this Act, and if the Brennand Reservoir and the Whitendale Reservoir and the other works authorised by this Act are not completed within fifteen years from the commencement of this Act, then, on the expiration of the respective period, the powers by this Act granted to the Corporation for making and completing the respective reservoir or work or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed: Provided always, that, subject to the provisions of this Act, the Corporation may from time to time alter, enlarge, extend, or remove their tanks, gauges, gauge basins, engines, machinery, wells, mains, pipes, and other works, or improve their water supply, in such way and manner as occasion requires.

Power to hold lands needful to protect waterworks against nuisances, &c.

62. It shall be lawful for the Corporation to hold any lands either already or hereafter to be vested in them which they may deem necessary for the purpose of protecting their waterworks against nuisances, encroachment, or injury, and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Consolidation Act 1845 respectively: Provided always, that the Corporation shall not erect or authorise or permit the erection on any of such lands while so held by

them of any buildings other than buildings necessary for or connected with their waterworks.

For protection of the Towneley Estate.

63. Whereas the Brennand Reservoir, the Whitendale Reservoir, and the Dunsop Compensation Reservoir, and the several aqueducts, conduits, or lines of pipes described in the sub-paragraphs 5 to 12 (both inclusive) of the section of this Act in which the works by this Act authorised are set forth (except the larger portion of the aqueduct, conduit, or line of pipes described in sub-paragraph 9 of the said section) and certain subsidiary works connected with those reservoirs and aqueducts, conduits, or lines of pipes, and the roads described in sub-paragraphs 16 and 17 of the said section will be made in or upon lands in the parishes of Slaidburn, Whalley (Detached), and Mitton, in the west riding of the county of York, of which lands (herein-after referred to as "the Towneley Estate") John Towneley of Towneley Hall, in the county palatine of Lancaster, is or claims to be tenant for life in possession, and the same estate includes the whole of the watershed from which the waters to be taken, diverted, collected, appropriated or impounded by the Corporation under the powers of this Act are derived: Therefore, for the further protection and benefit of the Towneley Estate and the owner and tenants thereof, be it enacted as follows (that is to say):—

1. In this section the expression "the owner" includes the said John Towneley and every and all other the person or persons for the time being trustees of or entitled to the Towneley Estate or to the receipt or benefit of the rents and profits thereof or any part or parts thereof, and the expression "tenants" means and includes any and all person or persons (not being the owner) for the time being occupying any part or parts of the Towneley Estate, and the expressions "point of abstraction" or "points of abstraction," mean respectively the point or points at which water is to be taken under the powers of this Act from the river or rivers with respect to which the expression is used;

2. The price or consideration for which it shall be lawful for the Corporation to purchase or take the lands and easements which they are by this Act empowered to purchase and take, and for the exercise in respect of the Towneley Estate of all and every the rights, powers, and privileges for the taking of water by this Act authorised, and of all other rights, powers, and privileges conferred by this Act, shall be such as may have been before the passing of this Act determined by two able practical surveyors, one of them nominated by the owner and the other by the Corporation, or as shall, after the passing of this Act, be determined or approved by two able practical surveyors, or by a third surveyor, in manner provided by section 9 of the Lands Clauses Consolidation Act 1845;

3. The said price or consideration shall be taken and deemed to include full compensation for all permanent damage or injury, by severance or otherwise, to the Towneley Estate, or any part thereof, by reason of the exercise of the powers of this Act, and also any purchase-money or compensation otherwise payable by the Corporation to any tenants for the time being for any lands to be purchased by the Corporation, or in or over or in respect of which any easement is to be granted other than the tenants of the Dunsop houses and grounds held therewith, but shall not include the compensation (if any) payable to any now existing tenants

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for severance or other damage or inconvenience, or to any tenants for the time being for inconvenience or other damage or loss occasioned to them temporarily during the construction of the works on the Towneley Estate;

4. Any price, consideration, or compensation payable as aforesaid by the Corporation shall be paid or deposited under and according to the provisions of the Lands Clauses Consolidation Act 1845;

5. For the purposes of such of the aqueducts, conduits, or lines of pipes as are intended to be closed or covered, the Corporation shall only take or acquire such an easement or easements as may be necessary for the purposes of this Act;

6. The Corporation shall cause every aquduct, conduit, or line of pipes which shall be made on the Towneley Estate, below the levels of the outlets of the intended reservoirs on the Whitendale River and Brennand River respectively, to be arched over or otherwise properly covered in at the time of the making thereof throughout the whole length thereof in the Towneley Estate, with a good and substantial arch or other covering, and at all times maintain such arch or other covering in good and sufficient repair, and shall fill in and level the soil above such arch or other covering as the same is made, and at all times keep the soil so filled in and levelled above the same, so as to interfere as little as possible with the level of the land through which the respective aqueducts, conduits, or lines of pipes pass;

7. At or near the entrances of such aqueducts, conduits, or lines of pipes at the respective points of junction thereof with the said rivers respectively, but not including points of junction within the said Brennand and Whitendale reservoirs, or either of them, and, if necessary, at the points of junction of the said aqueducts, conduits, or lines of pipes with each other, the Corporation, at their own costs and charges, shall, prior to the taking or using of any of the waters of the said rivers respectively, erect and fix and for ever afterwards maintain in good repair and in a condition effectual for the purposes next mentioned such a grating or gratings as shall be sufficient and effectual for the purpose of preventing the descent of fish or the young of fish into such aqueducts, conduits, or lines of pipes respectively, and every such grating shall be of such form and shall be erected and fixed in such manner as shall, in case of difference, be approved by a civil engineer to be appointed by the President for the time being of the Institution of Civil Engineers, and such engineer shall be empowered to determine by whom the costs of any such reference are to be paid;

8. The owner and his agents and engineers shall at all times have free access to any such grating as aforesaid;

9. Notwithstanding anything in this Act contained, the owner shall at all times have and enjoy all such rights and powers as he would have had if this Act had not been passed of opening and working any mines and quarries, whether hereafter to be opened or already opened, and of searching for minerals, mineral ores, stone, and clay above the points of abstraction from the Brennand River, the Whitendale River, and the Dunsop River respectively, and of using for the purpose of working the same mines and quarries, and for any purposes connected therewith

which he may require or think proper, such and so much of the waters of the said rivers respectively as he may be entitled to store for his own use or uses, in any reservoir or reservoirs (whether he shall so store the same or not) or otherwise, to take, divert, or use above the said points of abstraction respectively: Provided always, that if and whenever the owner shall use any of the said waters above the said points of abstraction respectively, for the purpose of working any such mines or quarries as aforesaid, or for any purpose in connexion therewith, he shall after such user discharge the same water into the said rivers respectively above the points of abstraction, but before any water shall be so discharged the owner shall give to the Corporation notice in writing a reasonable time before such discharge, and the Corporation may, if they choose, and if the owner shall at any time, or for any reason, be inhibited or prevented from discharging the fouled water into the rivers as aforesaid, the Corporation shall, if and when required by the owner, and if they lawfully can, and at their own expense, make and maintain on the Towneley Estate all such reasonable works as shall be effectual for carrying off the waters which shall have been so used or discharged to, and discharging them into, the said rivers respectively at some point or points below the points of abstraction respectively: Provided also, that the owner shall afford to the Corporation all reasonable facilities for executing and maintaining such last-mentioned works, and shall not be entitled to claim from the Corporation any compensation in respect of any of the land which may be reasonably used for the making of such last-mentioned works, but that the Corporation shall from time to time pay to the tenants of such lands compensation for all damages (if any) occasioned to them by the execution and maintenance of such works, such compensation to be ascertained and recovered in manner prescribed by the Lands Clauses Consolidation Act 1845: Provided also, that every difference which shall arise between the parties as to what works ought to be done by the Corporation under the provisions of this paragraph shall be referred from time to time to a civil engineer, to be appointed by the President for the time being of the Institution of Civil Engineers, upon the application of either party, and such engineer shall have power to determine by whom the costs and expenses of such reference shall be borne and paid;

10. The owner and tenants may from time to time cause sheep to be washed as conveniently as heretofore, and without let or hindrance, in the Brennand River and the Whitendale River and the Dunsop River, or any or either of them, or any tributary of any or either of them, below the point or points of abstraction respectively, and at such places, not exceeding two, in each river, including its tributaries above the point or points of abstraction respectively, as the owner may by notice in writing to the Corporation specify within six months after the passing of this Act: Provided always, that the washing of sheep at any such place or places shall not be for more than twenty-eight days in any one year (whether consecutive or not), nor be commenced until after at least forty-eight hours' notice in writing shall have been given by the owner or tenant to the Corporation, and their officer in charge of the reservoirs, to the intent that the Corporation may have the opportunity of making

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such arrangements as they may think fit for carrying the fouled water past or below the point of abstraction on the respective river, and the Corporation may at any time make and maintain at their own expense on the Towneley estate all such works as they shall deem necessary for so carrying off the foul water, and the owner shall afford to the Corporation all reasonable facilities for executing and maintaining such last-mentioned works, and shall not be entitled to claim from the Corporation any compensation in respect of any of the lands used for the making of such last-mentioned works, but the Corporation shall from time to time pay to any tenants of such lands compensation for all damages (if any) occasioned to them by the execution or maintenance of such works, such compensation to be ascertained and recovered in manner prescribed by the Lands Clauses Consolidation Act 1845. The owner and tenants may from time to time dress sheep with such chemical or mineral substances or things as he or they think fit without being liable or responsible further than but for this Act he or they would be responsible for any damage or injury arising by reason or in consequence of the contamination of the waters of any of the said rivers by such substances or things: Provided always, that he or they shall at all times absolutely prevent water fouled by such substances or things from being discharged or passing directly or indirectly into the Brennand River or the Whitendale River or any tributary of either of those rivers;

11. The Corporation shall provide and keep at proper and convenient intervals in their aqueducts, conduits or lines of pipes where the same pass through the Towneley estate, proper and convenient contrivances for discharging, and shall from time to time cause to be discharged into tanks to be provided for that purpose by the owner or tenants such quantity of water as shall be reasonably required for the watering of cattle. Any difference between the owner or any of his tenants and the Corporation, as to the point or points at which such water shall be so discharged, or as to the quantity of water to be discharged into any such tank shall be from time to time determined in manner provided for by section sixty-nine of the Railways Clauses Consolidation Act 1845;

12. The Corporation shall, before interfering with any part of the occupation road on Whitendale Farm, make and complete an equally good and sufficient road in lieu thereof, to the reasonable satisfaction of the owner, and so that the same may be fitly adapted for use in continuation of that part of the same road with which the Corporation may not interfere;

13. The Corporation shall, before interfering with any part of the occupation road now existing on or through the lands shown on the deposited plans as the site of the Dunsop Compensation Reservoir, make and complete for use, to the reasonable satisfaction of the owner, so much of the intended new road described in the said sixteenth paragraph of the said section of this Act as is proposed to be made south of the northernmost part of the site of the same reservoir as shown on the same plans, and so that the same portion of new road may be fitly adapted for use in continuation of the occupation road to the north of the last-mentioned point, and of that part of the intended new road in the said sixteenth paragraph mentioned which shall be formed north of the same point;

14. Nothing in this Act shall empower the Corporation to affect or interfere with the present supply of water to Whitendale Farm, unless and until works for a substituted supply of water shall have been executed by and at the expense of the Corporation, to the reasonable satisfaction of the owner; the effluent water from the said farm, and from Brennand Farm and the dwelling-houses and present buildings thereof respectively, shall and may, notwithstanding anything in this Act, be discharged as heretofore into the Whitendale and Brennand Rivers respectively, unless and until the Corporation, at their own expense, provide other and equally effectual means for the discharge thereof: Provided always, that the owner and tenants shall afford to the Corporation all reasonable facilities for executing the works referred to in this paragraph, and shall not be entitled to claim from the Corporation any compensation in respect of any land used therefor or for any damages occasioned by the execution of the works;

15. The supply of water now brought from Witcha Well to, amongst other places, Thorneyholme and Higher Root Farm and Lower Root Farm respectively through or past the site of the Dunsop Compensation Reservoir shall be maintained by means of a pipe of not less than four inches internal diameter, to be by the Corporation and at their expense laid and for twelve months maintained along or under the intended new road which is by this Act authorised to commence in the existing road near Dunsop Bridge and to terminate at the embankment of the intended Brennand Reservoir and properly connected below the Dunsop Compensation Reservoir with the conduit or pipe by which the water is now conveyed or with any other pipe which the owner may seem fit to lay down in substitution for the same;

16. Wheresoever in the Towneley Estate the aqueducts, conduits, or lines of pipes by this Act authorised are beneath the surface of the ground they shall be so laid or formed as to interfere as little as possible with the passage over and the occupation of the surface of the ground, and the surface shall be in every case as soon as may be restored to its former condition. Wheresoever in the same estate the aqueducts or conduits are open or uncovered or piped above the surface of the ground all necessary and sufficient occupation bridges over or arches under them shall be provided by and at the expense of the Corporation, and all existing drainage works shall be preserved or adequate works made in substitution therefor. As regards all the said aqueducts, conduits, or lines of pipes sufficient provision shall be made and maintained by and at the expense of the Corporation at all proper and necessary points for the flow of drainage or other waters across the same;

17. No land part of the Towneley Estate to be purchased or acquired by the Corporation under the powers of this Act shall be at any time used or applied, except temporarily, for farming or agricultural purposes, as at present or permanently used or applied, except for the construction and maintenance of the works by this Act authorised, and no building shall be at any time hereafter erected by the Corporation on any such land except such as may be required either permanently for the residence of officers or men in charge of the intended reservoirs and works (not

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exceeding four dwelling houses) or temporarily during the construction of the said reservoirs and works for the residence of workmen employed thereon;

18. During the construction of the works by this Act authorised, or until in each respective parish or township in which the owner or any of his tenants is a ratepayer the Corporation are separately rated, the Corporation shall pay to the owner such a sum or such sums of money as shall fairly represent the extra charge to the owner or tenants by way of rates in the respective parish or township caused by the use by the Corporation or their contractors of any public roads in that parish or township, such sum or sums in case of difference to be from time to time determined by some able practical surveyor to be agreed upon, or, if not agreed upon, to be appointed by two justices. All private roads and ways on the Towneley estate used by the Corporation or their contractors during the construction of the several works shall, whilst so used, be kept in good and proper repair by and at the expense of the Corporation, and in such good and proper repair shall be left by them upon the completion of the said works;

19. Any difference from time to time arising between the Corporation and the owner or any of his tenants and for the settlement of which provision is not otherwise made by this section shall, unless otherwise agreed, be determined in manner provided by the Common Law Procedure Act 1854, as since amended and extended;

20. The owner and his authorised servants and such of the tenants as shall be authorised by him in writing shall have and enjoy at all reasonable times the sole and exclusive right of sporting, fishing, and fowling on, in, and over the Brennand Reservoir, the Whitendale Reservoir, and the Dunsop Compensation Reservoir respectively, and of boating upon the last-mentioned reservoir, and may erect, maintain, and from time to time renew a boat-house, with the necessary apparatus, on the last-mentioned reservoir, but so as not to interfere with the land or works of the Corporation: Provided that such rights shall not be exercised in or over the Brennand Reservoir or the Whitendale Reservoir so as to foul the water of such reservoirs respectively or in anywise interfere with the powers of the Corporation to do all such acts, matters, and things whatever as may be necessary for maintaining, cleansing, and repairing those reservoirs and the works connected therewith respectively, or for preventing the water therein from being fouled, or for preventing the accumulation of fish to such an extent as to affect the quality of the water.

AS TO GAS.

The Improvement Act 1877.

Corporation to keep register of annuities.

101. The Corporation shall, from and after the vesting period, keep a book, to be called "the Register of Gas Annuities," and in such book shall be fairly and distinctly entered from time to time the names and addresses of the annuitants, together with the amount of their respective annuities, and the surnames of the annuitants shall be placed in alphabetical order; and every annuitant may, at

all convenient times, peruse such book without any charge, and may require a copy thereof, or any part thereof, and for every hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence. A.D. 1882.

Certificates of annuities to be issued to the annuitants.

102. The Corporation shall, at their own expense, issue to every annuitant, or to his successors, executors, administrators, or assigns, on demand made by him or them to the Corporation, and on delivery by him or them to the Corporation of the certificates of the stock or shares in the capital of the Gas Company for which the annuity is substituted, a certificate of the annuity; and such certificate may be according to the form in Part II. of the schedule to this Act, or to the like effect: Provided, that, except as herein-after prescribed, no annuitant shall be entitled to claim from the Corporation more than one certificate in respect of the whole amount of the capital in stock or shares held by him.

Certificates be evidence.

103. The certificate of any annuity shall be admitted in all courts as primâ facie evidence of the legal title of the holder thereof, his successors, executors, administrators, or assigns, to the annuity therein specified. Nevertheless the want of such certificate shall not prevent any annuitant from disposing of such annuity.

Provision in case of loss of certificate of stock or shares in gas company.

104. If any certificate of stock or shares in the capital of the gas company be lost or destroyed, then, on satisfactory proof thereof to the Corporation, they shall issue to the person entitled to the certificate so lost or destroyed a certificate of the annuity substituted for such stock or share.

Several certificates may be granted to one annuitant.

105. If at any time an annuitant be desirous of having several certificates instead of one, or one certificate instead of several, then, on his existing certificate or certificates being produced to the Corporation, they may order the same to be cancelled, and shall thereupon issue to him as he requires two or more certificates of annuities or a certificate of an annuity of the aggregate amount of the annuity or annuities the certificate or certificates for which is or are so cancelled, and in every such case a due entry of the substituted certificate or certificates shall be made by the Corporation in the Register of Gas Annuities, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Certificates of annuities to be renewed when destroyed.

106. If the certificate of any annuity be worn out or damaged, then upon the same being produced to the Corporation they may order it to be cancelled, and thereupon the Corporation shall issue a similar certificate to the annuitant; or if any such certificate be lost or destroyed, then upon satisfactory proof thereof to the Corporation they shall issue a similar certificate to the annuitant, and in either case a due entry of the substituted certificate shall be made by the Corporation in the Register of Gas Annuities, and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Annuities to be personal estate.

107. The annuities shall be personal estate.

Transfer of annuities to be by deed.

108. Subject to the regulations herein contained, every annuitant may sell and transfer all or any of his annuities, and every such transfer shall be by deed, duly stamped, and in which the consideration shall be truly stated, and such deed may be according to the form in Part III. of the schedule to this Act, or to the like effect.

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Transfer of annuities to be registered, &c.

109. Every such deed of transfer (when duly executed) shall be delivered to the Corporation and be kept by them, and they shall keep a book to be called "the Register of Transfers of Gas Annuities," and shall enter a memorial of every such deed of transfer therein, and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk), and shall on demand deliver a new certificate to the transferee, and for every such entry of a deed of transfer, with such indorsement and certificate, the Corporation may demand any sum not exceeding two shillings and sixpence; and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the annuity transferred, instead of a new certificate being granted, and such indorsement, being signed as aforesaid, shall be considered in every respect the same as a new certificate, and for every such indorsement the Corporation may demand any sum not exceeding two shillings and sixpence; and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the annuity transferred, and every annuitant shall be entitled to inspect the Register of Transfers of Gas Annuities without any charge.

Closing of transfer book.

110. The Corporation may close the Register of Transfers of Gas Annuities for a period not exceeding twenty-one days before the first day of February and the first day of August yearly, and any transfer made during the time when the register is closed shall, as between the Corporation and the transferee, but not otherwise, be considered as made after that time.

Transmission of annuities by other means than transfer to be authenticated by a declaration.

111. If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any other lawful means than by a transfer, according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing in such manner as the Corporation shall require, and every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice, and in the case of a death be accompanied (if required by the Corporation) by a certificate of such death, and shall declare the identity of the person named in such certificate with the annuitant, and such declaration shall be left with the Corporation, and thereupon they shall enter the name of the person entitled under such transmission in the Register of Transfers of Gas Annuities, and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence, and until such transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any part of the annuity transmitted.

Proof of transmission by marriage, will, &c.

112. If such transmission be by virtue of the marriage of a female annuitant, the declaration shall (if required by the Corporation) contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or an official extract therefrom, shall, together with the declaration, be produced to the Corporation, and, upon such production in either of those cases, the Corporation shall cause an entry to be made of the declaration in the said Register of Transfers of Gas Annuities, and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence.

Certificate to be demanded before annuity recoverable.

114. The Corporation shall not be bound to pay any annuity until the person entitled thereto has demanded a certificate of it, and the instalments of an annuity in arrear, and not wrongfully withheld by the Corporation, shall not bear interest.

Recovery of arrears of annuities.

115. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing it be not paid, the annuitant may recover the same from the Corporation in any court of competent jurisdiction.

Annuitants may require appointment of a receiver.

116. If within thirty days after any half-yearly portion of any annuity becomes payable, and after demand thereof in writing it be not paid, the annuitant, without prejudice to his other remedies, may enforce payment of arrears of his annuities by the appointment of a receiver.

Mode of appointment of receiver and his duties.

117. Every application for a receiver shall be made to two justices, and on any such application the justices may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the moneys which may then have come or may thereafter come to the hands of the treasurer of the borough out of the rents, rates, and profits and other moneys by this Act charged with the annuities, until the annuities in arrear, and in respect whereof the receiver is appointed, and all costs, including the charges of receiving such moneys, be paid and satisfied, and upon such appointment being made the moneys so to be paid to the receiver shall be paid to him by the treasurer, and the receipts of the receiver for the moneys paid to him shall be valid discharges from the same, and from all claims and demands by any annuitant in respect thereof, and the money so received by the receiver shall be so much money received by or to the use of the annuitant or annuitants on whose behalf the receiver is appointed; and after the annuities in arrear and costs have been so received the powers of the receiver shall cease: Provided, that if during the continuance of the receivership any parts of the annuities of the annuitant or annuitants on whose behalf the receiver has been appointed become payable he may apply any surplus moneys in his hands in or towards payment thereof.

Power to redeem annuities.

118. The Corporation may at any time, if and when they think fit, redeem all or any of the annuities at a price not exceeding twenty-five years' purchase: Provided that they shall give at least six months' notice in writing of such intended redemption to the holders of such of the annuities as may be intended to be so redeemed, and such holders respectively shall be bound to accept the price of the redemption, not being less than twenty-five years' purchase of their or his annuities or annuity when tendered by the Corporation.

Annuitant to deliver up certificate of annuity redeemed.

119. On redemption of any annuity, the annuitant shall deliver up to the Corporation the certificate of such annuity, and shall give to the Corporation a discharge for the redemption money, and upon any annuity being redeemed, an entry of the redemption thereof shall be made in the Register of Gas Annuities, and the annuity so redeemed shall be wholly extinguished.

Sinking fund for redemption of annuities.

120. The Corporation shall, in order to create a sinking fund for the redemption of the annuities, and of the existing mortgage debt of the gas company at the vesting period, if any, after the expiration of five years from the vesting period, every year set apart and appropriate out of the revenue of the gas undertaking or the district fund such a sum as, being accumulated as

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next herein-after mentioned, will at the expiration of sixty years be sufficient to discharge such mortgage debt and redeem such annuities, and shall from time to time cause such sum to be invested in the purchase of exchequer bills or Government securities, or other securities in which trustees may from time to time by law invest trust funds, and to be increased by accumulation in the way of compound interest or otherwise until such time as is herein-after mentioned.

Application of sinking fund.

121. The Corporation may and shall apply the sinking fund to be so created, and in any order of priority that they think fit, in the redemption of any part of the mortgage debt of the gas company and of such of the annuities as they may from time to time redeem, and in paying off from time to time the moneys (if any) borrowed for the purpose of such redemption: Provided always, that, whenever any part of the mortgage debt of the gas company or any of the annuities have been redeemed, the Corporation shall thenceforward, until the whole of the said mortgage debt and the annuities have been redeemed, and all moneys borrowed for the purpose of such redemption have been paid off and discharged, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest on the mortgages and the annual amount of the annuities redeemed: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual amount of the annuities then outstanding, and no part of the said mortgage debt and no moneys borrowed as aforesaid remain owing, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such outstanding annuities, and may, during such periods, discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

SCHEDULE (TO THE IMPROVEMENT ACT 1877).

Part II.

Form of Certificate of Gas Annuity.

The Blackburn Borough Gas, Water, and Extension Act 1877.

Certificate of Gas Annuity No. £

By virtue of the Blackburn Borough Gas, Water, and Extension Act 1877, the mayor, aldermen, and burgesses of the borough of Blackburn, in the county of Lancaster, certify that A.B. of is under and subject to the provisions of that Act entitled to a perpetual annuity of charged on the revenues of the gas undertaking of the said mayor, aldermen, and burgesses, and on the general district rates of the borough, and such annuity is payable to him, his executors, administrators, or assigns at the office in Blackburn of the treasurer of the said borough by equal half-yearly payments on the day of and the day of yearly.

Given under the common seal of the said mayor, aldermen, and burgesses this day of in the year of our Lord one thousand eight hundred and

PART III. A.D. 1882.

FORM OF TRANSFER OF GAS ANNUITY.

The Blackburn Borough Gas, Water, and Extension Act 1877.

Transfer of Gas Annuity.

I, A.B. of in consideration of £ paid to me by C.D. of transfer to him, his executors, administrators, and assigns, the perpetual annuity (or annuities), No. of charged by the Blackburn Borough Gas, Water, and Extension Act 1877, on the revenues of the gas undertaking of the mayor, aldermen, and burgesses of the borough of Blackburn, and on the general district rates of the borough, and payable at the office in Blackburn of the treasurer of the said borough by equal half-yearly payments on the day of and the day of yearly, and all or any right and interest therein and thereto subject to the conditions and provisions of the said Act. And I the said C.D. hereby agree to hold the said annuity subject to the same conditions and provisions.

As witness our hands and seals this day of A.D. 18 .

AS TO BORROWING POWERS AND GENERAL SINKING FUNDS.

The Improvement Act 1870.

PART IX.—AS TO BORROWING POWERS.

Power to borrow on borough fund.

91. The Corporation, in addition to any money which they may have borrowed, or are authorised to borrow, independently of this Act, upon the credit of the borough fund, may from time to time borrow at interest on the credit of the borough fund such sums of money as shall be sufficient to pay off the said sum of fifty-four thousand five hundred and forty-four pounds, and may mortgage the borough fund accordingly, and all money borrowed under the authority of this Act on the credit of the borough fund shall be applied for the purpose of paying off the said sum of fifty-four thousand five hundred and forty-four pounds or some part thereof, or some sum of money previously borrowed under the authority of this Act on the credit of the borough fund, and for no other purpose.

Power to borrow for purposes of Act, &c.

92. The Corporation, in addition to any money which they may have borrowed, or are authorised to borrow, independently of this Act, may from time to time borrow at interest on the credit of the money to be carried by them to the general district fund such sums of money, not exceeding in the whole two hundred and thirty-five thousand pounds, as they from time to time think requisite for the purposes of this Act and of the Act of 1854, and of the Towns Improvement Clauses Act 1847, and may mortgage such money so to be carried to the general district fund accordingly.

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Period for paying moneys borrowed by Corporation.

93. The period within which any money hereafter to be borrowed by the Corporation under the authority of the Act of 1854, or the Towns Improvement Clauses Act 1847, or of this Act (except on the credit of the sewage lands and sewerage works), is to be paid off, by means of a sinking fund or otherwise, shall be seventy years, reckoned from the expiration of five years from the passing of this Act, anything in the same respective Acts to the contrary notwithstanding.

Further provision as to payment of moneys borrowed.

94. From and after the expiration of five years from the passing of this Act, the period within which the amount then remaining due of any money already borrowed by the Corporation under the authority of the Act of 1854, or the Towns Improvement Clauses Act 1847, is to be paid off, by means of a sinking fund or otherwise, shall be seventy years, reckoned from the expiration of the said five years, anything in the same respective Acts to the contrary notwithstanding.

Repayment of money borrowed by instalments or sinking fund.

96. The Corporation shall, out of the borough fund, with respect to moneys borrowed by virtue of this Act upon the security of that fund, and out of the money carried to the credit of the general district fund, with respect to moneys borrowed upon the security of that fund under the authority of this Act, and with respect to the amount remaining due at the expiration of five years from the passing of this Act of moneys borrowed under the powers of borrowing or re-borrowing of the Act of 1854, or of the Towns Improvement Clauses Act 1847,

* * * * *

repay the said loans respectively by equal half-yearly or yearly amounts of principal combined with interest, and to compute the amounts requisite to be paid every year in order to the repayment of the respective loans within the said period of seventy years, reckoned as aforesaid, according to the principle of calculation on which are based the tables published in the year one thousand eight hundred and fifty-eight by Messieurs Eyre and Spottiswoode, and purporting to have been examined by the Actuary of the National Debt Office for the objects of or in connexion with the Local Government Act 1858.

Application of money borrowed.

102. All money borrowed by the Corporation under this Act on the credit of the general district fund shall be applied for the following purposes, but not otherwise; (that is to say,)

* * * * *

(a.) The sum of one hundred and eighty-nine thousand pounds in carrying into execution the provisions of this Act with respect to the construction of sewerage works and the acquisition of lands and easements therefor;

(b.) The sum of twenty-four thousand pounds in carrying into execution the provisions of this Act with respect to the formation of new streets and execution of permanent improvements:

(c.) The surplus in carrying into execution the provisions of this Act with respect to the formation of the cattle market and the acquisition of land therefor

Improvement Act 1877. A.D. 1882.

PART V.—BORROWING POWERS.

Power to borrow.

122. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow at interest on the following securities and for the following purposes the following sums (that is to say):

(1.) For waterworks purposes on the security of the revenue of the waterworks undertaking, district fund, and general district rates four hundred and thirty thousand pounds;

(2.) For gas purposes on the security of the revenue of the gas undertaking, district fund, and general district rates, such sums as may be required for the payment to the gas company of all sums other than annuities provided to be paid by the Corporation under the agreement confirmed by this Act;

(3.) For the purposes of the drainage, sewerage, lighting, and other necessary improvements within the added area, and for any other purposes of this Act, on the security of the borough fund, borough rate, district fund, and general district rates, or any of those securities, such sums as they may from time to time think requisite not exceeding the sum of forty-five thousand pounds;

And the expression "the waterworks undertaking," or "the gas undertaking," in any mortgage or other security relating thereto granted by the Corporation after the passing of this Act, shall mean the revenue of those respective undertakings of the Corporation.

* * * * *

Power to borrow for redemption of gas annuities.

123. Whenever the Corporation redeem any of the annuities according to the provisions in that behalf herein-before contained, they may (in addition to any moneys which they have borrowed or are authorised to borrow) borrow at interest, on the security of the revenue of the gas undertaking district fund and general district rates, such sums of money as shall be sufficient to redeem the annuities in accordance with the said provisions.

Application of Local Loans Act 1875.

124. The Local Loans Act 1875 shall apply to all the loans to be raised under this Act, and the prescribed method of discharge shall in each case be a sinking fund, and the prescribed period shall in each case be eighty years: Provided, that all moneys borrowed under the provisions of the last preceding section shall be discharged by means of the sinking fund, prescribed by section one hundred and twenty of this Act for the redemption of gas annuities, and within the period there prescribed.

128. * * * * *

Repeal of former borrowing powers for waterworks purposes.

all moneys borrowed before the commencement of this Act for waterworks purposes under the Improvement Act of 1854, or the Water Act of 1875, shall be secured, charged, repaid, and have all other incidents in the same manner as moneys borrowed for waterworks purposes under this Act. Provided that for the purposes of the waterworks authorised by the Water Act of 1875, and which are not by this Act authorised to be abandoned, the Corporation may from time to time borrow at interest the sum of seventy thousand pounds on the like securities, and subject to the like provisions, as they are by this Act authorised to borrow for the purposes of the waterworks by this Act authorised.

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Improvement Act 1879.

PART IV.—BORROWING POWERS.

Power to borrow.

48. The Corporation may from time to time (in addition to any moneys they are now authorised to borrow) borrow at interest on the following securities, and for the following purposes, such moneys as they may from time to time think requisite for those respective purposes, not exceeding the following sums (that is to say):

(1) On the security of the district fund and general district rate:—

(A.) For street improvements, the sum of thirty-three thousand nine hundred and fifty-pounds;

(B.) For main sewers and storm overflow works, the sum of one hundred and eleven thousand eight hundred and four pounds;

(C.) For market purposes, the sum of sixteen thousand nine hundred pounds;

(D) For sanitary works, the sum of thirty-six thousand eight hundred pounds;

(E) For paving rivers, the sum of ten thousand pounds;

(2) On the security of the borough fund and borough rate for firemen's dwellings and municipal offices and buildings, the sum of twelve thousand five hundred pounds;

(3) On the security of the revenue of the gas undertaking for gas purposes the sum of thirty thousand pounds;

(4) On the security of the revenue of the waterworks undertaking for waterworks purposes, the sum of twenty thousand pounds;

(5) For the purposes of the drainage, sewerage, lighting, and other necessary improvements within the added area, and for any other purposes of this Act, on the security of the borough fund, borough rate, district fund, and general district rate, or any of those securities, the sum of thirty-five thousand pounds: Provided, that the amount to be borrowed under this sub-section on the security of the borough fund and borough rate shall not exceed the sums requisite for the payment of the costs of this Act directed to be paid thereout by the concluding section of this Act.

The expression "the gas undertaking" or "the waterworks undertaking" in any mortgage or other security relating thereto granted by the Corporation after the passing of this Act, shall mean the revenue of those respective undertakings of the Corporation.

* * * * * *

Power to raise money for street improvements under Act of 1870.

49. The expenses of and incidental to the execution of the street improvements executed since the passing of the Improvement Act 1870, and of so much of the expenses of the street improvements by this Act authorised as are not by this Act otherwise provided for, shall be defrayed out of the moneys borrowed or to be borrowed under the powers of sections ninety-two and one hundred and two of the Improvement Act 1870, as part of the sum of twenty-four thousand pounds thereby authorised to be borrowed for street improvements, and as if the said street improvements had been expressly authorised by the Improvement Act, 1870.

Money to be raised for waterworks purposes under Act of 1877.

50. The expenses of and incidental to the execution of the High Level Supply Waterworks shall be defrayed out of moneys borrowed or to be borrowed under the powers of section one hundred and twenty-eight of the Improvement Act, 1877, as part of the sum of seventy thousand pounds thereby authorised to be borrowed for the purposes of the waterworks authorised by the Water Act, 1875: Provided, that the sum to be so borrowed or re-borrowed for the purposes of this section shall not exceed the sum of thirteen thousand pounds.

51. * * * * * *

Application of Local Loans Act 1875.

The Local Loans Act 1875 shall apply to all the loans to be raised under this Act, and the prescribed method of discharge shall in each case be a sinking fund, and the prescribed period shall in each case be eighty years.

Uniform sinking fund for moneys borrowed under Act of 1877 and this Act.

52. The first payment into the sinking fund to be provided for the repayment of the moneys authorised to be borrowed under the Improvement Act 1877 (other than those authorised to be raised for the redemption of the gas annuities) shall, notwithstanding anything in that Act or the Local Loans Act 1875 contained, be made within the same period as the first payment into the sinking fund to be provided for the repayment of the moneys authorised to be borrowed under this Act is to be made, and the prescribed period for the discharge of the said moneys authorised to be borrowed under the Improvement Act 1877 shall in each case be eighty years.

Register of stock to be kept.

64. The Corporation shall cause entries of the consolidated debenture stock from time to time created, and of all transfers thereof, to be made in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to the consolidated debenture stock, with the respective amounts of the stock to which they are respectively entitled.

Certificate of stock.

65. The Corporation shall deliver on demand to every holder of consolidated debenture stock a certificate stating the amount of such stock held by him, and such certificate shall have the common seal of the Corporation attached thereto, and the same may be according to the form in the Fourth Schedule to this Act, or to the like effect, and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Certificate to be primâ facie evidence.

66. The said certificate may be admitted in all courts as primâ facie evidence of the title of such stockholder, his executors, administrators, successors, or assigns, to the sum therein specified.

Certificate to be renewed when destroyed.

67. If any such certificate be worn out or damaged, then the same may upon the production thereof be cancelled and another similar certificate may be given to the holder of the stock therein specified, or, if such certificate be lost or destroyed, then upon proof thereof to the satisfaction of the Corporation a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said register, and for every such certificate given in pursuance of this section a fee not exceeding two shillings and sixpence may be demanded.

Transfer of stock.

68. Consolidated debenture stock shall be transferable by deed, which may be in the form contained in the Fifth Schedule to this Act, but such deed shall

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exclusively relate to such transfer, and shall not contain any recital, trust, power or proviso whatsoever, and such deed shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred, and the dividends thereon, and all deeds of transfer (when duly stamped) shall be delivered to and kept by the Corporation.

A person becoming entitled to any consolidated debenture stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by such deed as aforesaid, shall at his own expense produce such evidence of his title as may be reasonably required by the Corporation, and the same shall be entered in the said register as a transfer.

The Corporation shall not be bound to register any transfer except upon production of the certificate relating to the stock to be transferred.

Upon any subdivision of stock by transfer the Corporation may upon the delivery up to them of the original certificate, grant to the transferees new certificates for the sums of stock so transferred.

For the registration of every transfer of stock the Corporation may demand any sum not exceeding two shillings and sixpence.

Register to be evidence.

69. The register so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any consolidated debenture stock who are mentioned therein as such owners.

FOURTH SCHEDULE (TO THE IMPROVEMENT ACT 1879).

FORM OF CERTIFICATE.

BOROUGH OF BLACKBURN.

No.

This is to certify that of is the proprietor of pounds shillings and pence of the Blackburn Corporation Consolidated Debenture Stock issued by the mayor, aldermen, and burgesses of the borough of Blackburn, in the county of Lancaster, pursuant to Act of Parliament.

Given under the common seal of the said mayor, aldermen, and burgesses this day of one thousand eight hundred and

L.S.

FIFTH SCHEDULE (TO THE IMPROVEMENT ACT 1879).

Form of Transfer.

I (A.B.) of in consideration of the sum of pounds paid to me by (C.D.) of do hereby transfer to the said (C.D.) his executors, administrators, and assigns, the sum of Blackburn Corporation Consolidated Stock standing in my name in the books kept of such stock, and all my property, right, and interest in and to the same, and the dividends thereon.

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and

As to Street Improvements.

The Improvement Act 1879.

Part III.—Street Improvements.

Power to make street improvements.

28. Subject to the provisions of this Act, the Corporation may make and maintain the street improvements herein-after mentioned and shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situations shown on the deposited plans and upon the levels shown on the deposited sections, and for those purposes may enter upon, purchase, take, and use such of the said lands delineated on the deposited plans and described in the deposited book of reference, and any right or easement in, over, or under the same, as shall be necessary for such works, and also for the purpose of securing sites for the erection of suitable houses and buildings adjoining thereto, (that is to say):—

(1.) To widen and improve Salford on its northerly side between Vicar Street and premises numbered 55 in Salford, and between the "Peel's Arms" and the premises known as the "Lord Nelson";

(2.) To widen and improve Penny Street and Salford on the easterly side of the former and the northerly side of the latter, and the termini of this improvement are the boundary lines of the whole site of the "Bull's Head Inn," and its appurtenances at the junction of those two streets;

(3.) To widen and improve Penny Street and Salford on their westerly sides and Water Street on its north-easterly side, from the south-easterly corner of the premises numbered 7 in Penny Street to the most westerly corner of the spirit vaults and premises known as the "Mason's Arms Vaults" in Water Street;

(4.) To widen and improve Salford on its southerly side from the most northerly corner of the premises numbered 34 in that street to a point thirty yards or thereabouts to the north-east thereof, and terminating in the easterly side of the offices and premises belonging or reputed to belong to and in the occupation of Messieurs Shaw and Rutherford;

(5.) To widen and improve Lord Street on its south side from the easterly side of King William Street to a point measuring seven yards or thereabouts to the east thereof, and terminating in the easterly boundary of the shop and premises numbered 24 in King William Street;

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(6.) To widen and improve Lord Street on its north side from or near the westerly side of the shop and premises numbered 8 in that street to Northgate;

Provided always, that the Corporation shall not purchase otherwise than by agreement so much of the lands in the township and parish of Blackburn, numbers 16 to 25, both inclusive, and 27 on the deposited plans, as lie on the north side of the proposed new line of the street called Salford, and so much of the lands in the same parish and township, numbers 44 to 48, both inclusive, and 52 to 55, both inclusive, on such plans, as lie on the north side of a line coloured red on a copy of such plans deposited in the Private Bill Office of the House of Commons, and signed by John Stewart Gathorne Hardy, Esquire, the Chairman of the Committee to whom the Bill for this Act has been referred.

Compulsory purchase of lands.

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

Period for completion of works.

30. The works authorised by this Act shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Corporation for executing those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; provided that the cesser of those powers shall not prevent the Corporation from executing from time to time thereafter any works in connexion with so much of those works as is then completed.

Deviation.

31. In the construction of the works authorised by this part of this Act the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards, and they may deviate laterally within the limits of deviation shown on the deposited plans, and beyond these limits with the consent of the person in whose lands such deviation is to be made.

Power to make subsidiary works.

32. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the street improvements authorised by this Act and for the purposes thereof, may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the street improvements or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the improved streets, or of any of them, or of crossing under or over the same or otherwise, and may alter, divert, stop up, inclose, use, or appropriate all or any part of any street, square, place, court, alley, or passage, whether a thoroughfare or not, or of any thoroughfare, road, lane, or way, or of any drain, sewer, channel, void ground, or other property shown on the deposited plans, the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer. Provided that the provisions of section three hundred and eight of the Public Health Act 1875 ("compensation in case of damage by local authority"), shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to alter steps, areas, pipes, &c.

33. The Corporation, within the limits of deviation defined upon the deposited plans, may raise, sink, or otherwise alter, or cause to be altered, the position of

any of the steps, areas, cellars, windows, and channels, pipes, or spouts belonging to any house or building, and also the drains, mains, and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main or pipe laid down by the Corporation, and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit, and the Corporation shall make reasonable compensation to any corporation or person who suffers damage by any such alteration.

Power to set out carriageway and footway.

34. The Corporation may cause such part of the streets improved by them under the provisions of this Act to be laid out for a carriageway and footway respectively as they think proper.

Power to sell materials.

35. The Corporation may sell the materials of the houses and buildings which may be purchased or taken by them under the powers of this Act.

As to General Matters.

The Improvement Act 1877.

Added area exempt from highway and other rates.

13. On and after the commencement of this Act all lands, houses, and hereditaments within the added area, and all persons in respect of the same, shall be exempt from—

(A.) All highway rates to be made in respect of the parish or township in which the same are respectively situate;

(B.) All rates to be made by or for the purposes of the rural sanitary authority of such added area;

(C.) All liability to county rates except only to the extent and for the purposes to and for which the existing borough is liable to county rates at the passing of this Act;

Exemption from rates not to affect rates payable before the commencement of Act.

Provided that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before the commencement of this Act, but all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed.

Provisions as to certain streets in the added area.

14. And whereas the following streets and parts of streets (not being highways repairable by the inhabitants at large) in the added area, viz.:—

Peel Street to Victoria Street and on to Mill Hill Street, Chapel Street, Wellington Street to Moorgate Street and to Livesey Branch Road, the road leading from Griffin Street to Mill Hill Bridge, and thence along Victoria Street to Mill Hill Street, also the highway leading from Ewood Bridge to Waterloo;

are not satisfactorily drained, levelled, paved, flagged, and channelled, metalled, and made good: Therefore, in respect of those streets and parts of streets, the Corporation shall, immediately after the commencement of this Act, put in force the provisions of section 18 of the Improvement Act of 1870.

Provision as to sanitary works in added area.

15. The Corporation shall, immediately after the commencement of this Act, commence and forthwith carry out all such works for the drainage, sewerage, lighting, and other necessary improvements within the added area as may be necessary for the proper and efficient sewering, lighting, and improvement of the added area.

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Turnpike tolls not to be taken in the borough.

18. On and after the commencement of this Act no tolls shall be collected or taken on any road within the added area, and the several turnpike roads within the same shall cease to be turnpike roads, and all liability on the part of any turnpike trustees with regard to the said roads, and the maintenance and repair thereof, shall cease and determine, and the said roads shall thenceforward be highways, and be vested in and maintained and repaired by the Corporation.

The Improvement Act 1879.

Partial exemption of added area from general district rates.

12. With respect to the assessment and levying of general district rates, the following provisions shall have effect (namely):

(1.) No general district rates made or levied before the first day of January, one thousand eight hundred and eighty, shall apply to the added area, or any part thereof;

(2.) Any general district rates made or levied on or after the first day of January, one thousand eight hundred and eighty, shall as regards the added area be subject to the provisions, exceptions, exemptions, regulations, and conditions now or for the time being in force with respect to general district rates made or levied within the existing borough or the borough, and also to the following additional exemption (namely):

For a period only of six years from the first day of January, one thousand eight hundred and eighty, no occupier or owner (as the case may be) of lands and hereditaments within the added area to which section eighty-seven of the Improvement Act 1870 ("certain kinds of property assessed on one-fourth of their net value") applies, shall be liable to or charged with any greater proportion of the rate to which he is assessed or liable than one-half of the amount thereof, and for a period only of five years from the same day, no occupier or owner (as the case may be) of lands, houses, and hereditaments within the added area to which the said section eighty-seven does not apply, shall be liable to or charged with any greater proportion of the rate to which he is assessed or liable than one-half of the amount thereof, and the same rate may be collected, recovered, and paid in the same manner in all respects as if it had been the whole amount of such rate:

(3.) Nothing in this Act shall alter or affect any lease, contract, or agreement made or entered into between the landlord and tenant of any premises within the added area before the commencement of this Act:

(4.) No general district rate made or levied in the borough shall be invalid by reason only of its being made, levied, collected, or recovered in conformity as regards the added area, with the provisions of this section.

Added area exempt from certain rates.

13. On and after the commencement of this Act, all lands, houses, and hereditaments within the added area, and all persons in respect of the same, shall be exempt from—

(A.) All highway rates to be made in respect of the parish or township in which the same are respectively situate;

(B.) All rates to be made by or for the purposes of the rural sanitary authority of such added area;

(c.) All county rates, except only to the extent and for the purposes to and for which the existing borough is liable to county rates at the passing of this Act;

Exemption from rates not to affect rates payable before the commencement of Act.

Provided, that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before the commencement of this Act; but all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed.

Turnpike tolls not to be taken in the borough.

16. Subject to the provisions of this Act, on and after the commencement of this Act no tolls shall be collected or taken on any road within the added area, and the several turnpike roads within the same shall cease to be turnpike roads, and all liability on the part of any turnpike trustees with regard to the said roads and the maintenance and repair thereof shall cease and determine, and the said roads shall thenceforward be highways vested in and maintained and repaired by the Corporation.

Saving of 24 & 25 Vict. c. 20.

17. Until the expiration of the time limited by the Elton and Blackburn Roads Act 1861, for the continuance of that Act, nothing in this Act shall apply to or in any manner affect any of the provisions of that Act with respect to such parts of the Elton and Blackburn roads (as defined by that Act) as are situate within the added area, and all the powers, rights, liabilities, and duties of the trustees of the said Elton and Blackburn roads shall until the said time continue as if this Act had not passed, and it shall until the said time be lawful for the trustees or their lessees to maintain their existing toll-gates and toll-houses within the added area, and to take tolls thereat, and exercise all other powers of the said Elton and Blackburn Roads Act in respect thereof as if this Act had not passed.

THE THIRD 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.

As to 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

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four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to 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 or 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.

As to 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 moveable facing points shall not exceed the rate of four miles an hour.

THE FOURTH SCHEDULE.

Part I.

Gas Lands.

(1.) All that piece or parcel of land situate in Park Road, within the borough of Blackburn, in the county of Lancaster, bounded on the north by certain schools called or known as Park Road Schools; on the west by Park Road aforesaid; on the south by Pitt Street, within the said borough; and on the east by a certain road situate and being at the rear or back of Park Road aforesaid, containing in the whole about two roods ten poles or thereabouts.

(2.) All that piece or parcel of land situate and being within the borough of Blackburn aforesaid, bounded on the north by Jubilee Street, on the west by Pilkington Street; on the south by George Street, and on the east and south-east by the River Blakewater, all within the said borough of Blackburn, and containing in the whole one and three-quarter acres or thereabouts.

(3.) All that piece or parcel of land situate within the borough of Blackburn aforesaid and bounded on the north by Wensley Street; on the west by Garden Street; on the south by the River Blakewater and George Street West; and on the east by Addison Street; all within the borough of Blackburn aforesaid, and containing in the whole eight and a quarter acres or thereabouts.

THE FIFTH SCHEDULE.

Certificate of Disease, &c.

Blackburn Improvement Act, 1882.

To the Corporation of the Borough of Blackburn.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of the said Act.

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 - - - -
Nature of the disease - - - -

Note.—This certificate must (under penalty of five pounds in case of neglect) be forthwith sent to the medical officer at his office, or to the inspector of nuisances at his office, and delivered to the official clerk or servant who shall be found in attendance there.

THE SIXTH SCHEDULE.

Tolls to be taken in the open Market Place.

Rents and Tolls for the Corn Market.

	£	s.	d.
For every stand or standing place occupying in space not more than twelve feet superficial measure on the ground for the exposing to sale by sample or otherwise, any corn, grain, seeds, flour, malt, hops, hay, straw, or other agricultural produce for each market day, not exceeding the sum of - - - - -	0	1	0
And if occupying a larger space, then for every additional superficial foot not exceeding the sum of - - -	0	0	1
Every person who is a dealer as buyer or seller for profit in any of the articles aforesaid, who shall attend the said market, and shall buy or sell therein or adjacent thereto any of the articles aforesaid, and not have any stand or standing place in the said market, to pay for each market day not exceeding the sum of - -	0	1	0

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RENTS, TOLLS, AND STALLAGES FOR THE PROVISION MARKETS.

Meat Market.

	£	s.	d.
For every butcher's stall, the size and space of which shall be in the discretion of the council, for each market day not exceeding the sum of - - - - - - -	0	1	0

Fish Market.

For every fish stall, the size and space of which shall be in the discretion of the council, for each market day not exceeding the sum of - - - - - - - -	0	0	6
For every pair of panniers, hampers, or other baskets or things containing fish, and measuring not more than four feet in length, three feet and a half in breadth, and eighteen inches in depth, and occupying in space not more than fourteen feet superficial measure on the ground, for each market day not exceeding the sum of - - - - - - - -	0	0	6
And if occupying a larger space, then for every additional superficial foot not exceeding the sum of - - -	0	0	1
For every single pannier, hamper, or other basket or thing containing fish, and measuring not more than four feet in length, twenty-one inches in breadth, and eighteen inches in depth, and occupying in space not more than seven feet superficial measure on the ground, for each market day not exceeding the sum of -	0	0	3
And if occupying a larger space, then for every additional superficial foot not exceeding the sum of - - -	0	0	1

Poultry Market.

For every yard in length of bench or table room for the exposing to sale poultry, pork, butter, eggs, or other articles of provision commonly sold in poultry markets for each market day not exceeding the sum of - - - - -	0	0	4
For every pair of panniers, hampers, or other baskets, pens, or things containing poultry or other articles aforesaid and measuring not more than four feet in length, three feet and a half in breadth, and eighteen inches in depth, and occupying a space not more than fourteen feet superficial measure on the ground for each market day not exceeding the sum of - - -	0	0	6
And if occupying a larger space, for every additional superficial foot not exceeding the sum of - - -	0	0	1
For every single pannier, hamper, or other basket or pen containing any of the before-mentioned articles, and measuring not more than four feet in length, twenty-one inches in breadth, and eighteen inches in depth, and occupying in space not more than seven feet superficial measure on the ground, for each market day not exceeding the sum of - - - -	0	0	3
If occupying a larger space for every additional superficial foot not exceeding the sum of - - - -	0	0	1

	£	s.	d.
For every hand basket, hamper, or other basket or thing containing any of the articles aforesaid, and measuring not more than two feet in length, fifteen inches in breadth, and seven inches in depth, for each market day not exceeding the sum of - -	0	0	1

Vegetable and Fruit Market.

For every stall, the size and space of which shall be in the discretion of the council, for each market day not exceeding the sum of - - - - - - -	0	0	4
For every pair of panniers, hampers, or other baskets containing vegetables or fruit, and measuring not more that four feet in length, three feet and a half in breadth, and eighteen inches in depth, and occupying a space not more than fourteen feet superficial measure on the ground, for each market day not exceeding the sum of - - - - -	0	0	3
If occupying a larger space, for every additional superficial foot not exceeding the sum of - - - -	0	0	$0\frac{1}{2}$
For every single pannier, hamper, or other basket containing vegetables or fruit, and measuring not more than four feet in length, one foot nine inches in breadth, and eighteen inches in depth, and occupying in space not more than seven feet superficial measure on the ground, for each market day not exceeding the sum of - - - - - - -	0	0	$1\frac{1}{2}$
If occupying a larger space, for every additional superficial foot not exceeding the sum of - - - -	0	0	$0\frac{1}{2}$
For every hand-basket, hamper, or other basket or thing containing vegetables or fruit, and measuring not more than two feet in length, fifteen inches in breadth, and twelve inches in depth, for each market day not exceeding the sum of - - -	0	0	1
For every sack or bag (containing not more than twelve pecks Winchester measure) of potatoes, carrots, turnips, beans, peas, or other vegetables or fruit, pitched in the market or at any place adjacent thereto, for each market day not exceeding the sum of - - - - - - -	0	0	1
For every superficial foot of ground used or occupied by persons offering for sale or selling cabbage or other plants, apple trees, or shrubs, or for any other purpose not herein-before provided for, for any space of time not exceeding one day, any sum not exceeding - - - - - - -	0	0	1

Other Goods exposed for Sale.

For each and every superficial foot of every stall for exposing to sale any manufactured goods, wares, or merchandise, for any space of time not exceeding one day, any sum not exceeding -	0	0	1

The several rents, tolls, and stallages before mentioned and specified to be payable and paid for and in respect of the occupation or use of any stall, standing-place, bench, compartment, or space of ground, as well by the original

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taker or occupier thereof for a part or portion of the day, in case he or she shall not occupy the same the whole day, as also by any subsequent taker or occupier of the same for the residue or any other part or portion of the same day, and the council may apportion the rents according to eligibility of situation.

Tolls for Slaughter-houses.

	£	s.	d.
For every bull, ox, cow, steer, or heifer, slaughtered, not exceeding the sum of	0	1	0
For every calf and for every head of swine slaughtered, not exceeding the sum of	0	0	6
For every sheep or lamb, not exceeding the sum of	0	0	3
For every sucking pig, not exceeding the sum of	0	0	2

Tolls for Weighing and Measuring Meat and Goods.

For every quantity of meat or thing weighing not exceeding twenty pounds avoirdupois, not exceeding the sum of	0	0	0½
For every quantity of meat or thing weighing more than twenty pounds and not exceeding one hundred and twelve pounds, any sum not exceeding	0	0	1
And so in proportion for any greater or less quantity than one hundred and twelve pounds over and above one hundred and twelve pounds.			
For every quantity of goods and things sold by measure, measuring not exceeding one bushel, any sum not exceeding the sum of	0	0	0½
For every quantity more than a bushel, and not exceeding two bushels, any sum not exceeding the sum of	0	0	1
And for every bushel beyond two bushels, any sum not exceeding the sum of	0	0	0½

Tolls for Weighing Waggons, Carts, and Carriages.

For every waggon or other four-wheeled carriage, with the loading thereof, any sum not exceeding	0	0	6
For every cart or other two-wheeled carriage, with the loading thereof, any sum not exceeding	0	0	3

Tolls to be taken in the covered Market or Market House.

Rents and Tolls for the Corn Market.

For every stand or standing-place occupying in space not more than twelve feet superficial measure on the ground, for the exposing to sale, by sample or otherwise, any corn, grain, seeds, flour, malt, hops, or other agricultural produce, for each market day not exceeding the sum of	0	4	0
And if occupying a larger space, then for every additional superficial foot not exceeding the sum of	0	0	4

RENTS, TOLLS, AND STALLAGES FOR THE PROVISION MARKETS. A.D. 1882.

Meat Market.

	£	s.	d.
For every butcher's stall, the size and space of which shall be in the discretion of the council, for each market day not exceeding the sum of - - - - - - -	0	4	0

Fish Market.

For every fish stall, the size and space of which shall be in the discretion of the council, for each market day not exceeding the sum of - - - - - - -	0	2	0
For every pair of panniers, hampers, or other baskets or things containing fish, and measuring not more than four feet in length, three feet and a half in breadth, and eighteen inches in depth, and occupying in space not more than fourteen feet superficial measure on the ground, for each market day not exceeding the sum of - - - - - - -	0	2	0
And if occupying a larger space, then for every additional superficial foot not exceeding the sum of - -	0	0	4
For every single pannier, hamper, or other basket or thing containing fish, and measuring not more than four feet in length, twenty-one inches in breadth, and eighteen inches in depth, and occupying in space not more than seven feet superficial measure on the ground, for each market day not exceeding the sum of - - - - - - -	0	1	0
And if occupying a larger space, then for every additional superficial foot not exceeding the sum of - -	0	0	4

Poultry Market.

For every yard in length of bench or table room, for the exposing to sale, poultry, butter, eggs, or other articles of provision commonly sold in poultry markets, for each market day not exceeding the sum of - - - - - - -	0	1	4
For every pair of panniers, hampers, or other baskets, pens, or things containing poultry or other articles aforesaid, and measuring not more than four feet in length, three feet and a half in breadth, and eighteen inches in depth, and occupying a space not more than fourteen feet superficial measure on the ground, for each market day not exceeding the sum of - - -	0	2	0
And if occupying a larger space, for every additional superficial foot not exceeding the sum of - -	0	0	4
For every single pannier, hamper, or other basket or pen containing any of the before-mentioned articles, and measuring not more than four feet in length, twenty-one inches in breadth, and eighteen inches in depth, and occupying in space not more than seven feet superficial measure on the ground, for each market day not exceeding the sum of - - - - -	0	1	0
If occupying a larger space, for every additional superficial foot not exceeding the sum of - -	0	0	4

	£	s.	d.
For every hand basket, hamper, or other basket or thing containing any of the articles aforesaid, and measuring not more than two feet in length, fifteen inches in breadth, and seven inches in depth, for each market day not exceeding the sum of - -	0	0	4

Vegetable and Fruit Market.

For every stall, the size and space of which shall be in the discretion of the council, for each market day not exceeding the sum of - - - - - - - -	0	1	4
For every pair of panniers, hampers, or other baskets containing vegetables or fruit, and measuring not more than four feet in length, three feet and a half in breadth, and eighteen inches in depth, and occupying in space not more than fourteen feet superficial measure on the ground, for each market day not exceeding the sum of - - - - - -	0	1	0
If occupying a larger space, for every additional superficial foot not exceeding the sum of - - - - -	0	0	2
For every single pannier, hamper, or other basket containing vegetables or fruit, and measuring not more than four feet in length, one foot nine inches in breadth, and eighteen inches in depth, and occupying in space not more than seven feet superficial measure on the ground, for each market day not exceeding the sum of - - - - - - -	0	0	6
If occupying a larger space, for every additional superficial foot not exceeding the sum of - - - - -	0	0	2
For every hand basket, hamper, or other basket or thing containing vegetables or fruit, and measuring not more than two feet in length, fifteen inches in breadth, and twelve inches in depth, for each market day not exceeding the sum of - -	0	0	4
For every sack or bag (containing not more than twelve pecks Winchester measure) of potatoes, carrots, turnips, beans, peas, or other vegetables or fruit, for each market day not exceeding the sum of - - - - - - -	0	0	4
For every superficial foot of ground used or occupied by persons offering for sale or selling cabbage or other plants, apple trees or shrubs, or for any other purpose not herein-before provided for, for any space of time not exceeding one day any sum not exceeding - - - - - -	0	0	4

Other Goods exposed for Sale.

For each and every superficial foot of every stall, for exposing to sale any manufactured goods, wares, or merchandise, for any space of time not exceeding one day any sum not exceeding -	0	0	4

The several rents, tolls, and stallages before mentioned and specified to be payable and paid for and in respect of the occupation or use of any stall, standing place, bench compartment, or space of ground, as well by the original taker or occupier thereof for a part or portion of the day, in case he or she

shall not occupy the same the whole day, as also by any subsequent taker or occupier of the same for the residue or any other part or portion of the same day, and the council may apportion the rents according to eligibility of situation. A.D. 1882.

TOLLS IN CATTLE MARKET.

	£	s.	d.
For each horse, pony, bull, bullock, cow, or other beast or animal offered for sale by auction, and whether sold or not, not exceeding	0	1	0
For every other horse or pony not exceeding	0	0	4
For each ass or mule not exceeding	0	0	2
For each bull, bullock, cow, steer, or heifer, whether tied or not, and if tied, including use of tie, not exceeding	0	0	3
For each calf not exceeding	0	0	1
For sheep, rams, lambs, or goats per score not exceeding	0	1	4
For each sheep, ram, lamb, or goat under a score not exceeding	0	0	1
For every stallion or entire horse, and for every other animal not before named in this schedule, brought into the market for sale or for show, not exceeding	0	1	0
For each pig	0	0	2

And the above tolls according to the respective classes thereof, to be payable for the respective subjects thereof, for each day in which the same are respectively placed in the market, whether for sale or not.

THE SEVENTH SCHEDULE.

FORM (A.)

The Blackburn Improvement Act, 1882.

The Corporation of the Borough of Blackburn hereby give notice, that it is their intention to make a general district rate, at a meeting of the Council to be held at the Town Hall on the day of 18 , at o'clock in the noon, and that a statement of the proposed rate is deposited for inspection by the ratepayers at the treasurer's office, in the Town Hall.

Dated this day of 18 .

A.B.,
Town Clerk.

FORM (B.)

NOTICE FOR EXECUTION OF WORKS.

The Blackburn Improvement Act, 1882.

The Corporation of Blackburn hereby give you notice, that you are ordered and required, on or before the day of 18 , to execute and do the works and things hereunder specified, and in case of your

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default in the premises the Corporation will, without further notice, execute the said works, and charge you with the expenses thereof.

Dated this day of 18 .

Borough Surveyor.

To
of

[Here specify works required.]

Form (C.)

Notice of Intention of Corporation to execute Works, &c.

The Blackburn Improvement Act 1882.

The Corporation of Blackburn hereby give you notice, that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

Borough Surveyor.

To
of

[Here specify the works.]

Form (D.)

Authority from Corporation.

The Blackburn Improvement Act 1882.

The Corporation of Blackburn hereby authorise you

[Here specify the act authorised.]

for doing which this shall be your warrant.

Dated this day of 18 .

Borough Surveyor.

To

Form (E.)

The Blackburn Improvement Act 1882.

Whereas the street called Street, within the Borough of Blackburn, not being a highway repairable by the inhabitants at large, is not sufficiently sewered, drained, levelled, paved, flagged, channelled, metalled, and made good to the satisfaction of the Corporation of Blackburn:

The Corporation do therefore hereby give you notice to sewer, drain, level, pave, flag, and channel, metal, and make good, in the manner specified in the

specification hereunder set forth, so much of the said street as the premises belonging to you, and each of you, severally and respectively front, adjoin, or abut upon, within [state the time] from the service hereof.

And further, that a plan and section showing the particulars of the said works are deposited at the office of the borough surveyor, within the municipal offices in the said borough, for inspection, and the same can be inspected on any day (Sunday excepted) between the hours of nine o'clock in the morning and six o'clock in the evening, and the borough surveyor, upon application will give such further information as may be needed or you may require. And further, that in case of your default in the premises the Corporation will, without further notice, execute the said works, and charge you with the expenses thereof.

Dated this day of 18 .

Borough Surveyor.

SPECIFICATION REFERRED TO IN THE FOREGOING NOTICE.

[Here specify works.]

FORM (F.)

The Blackburn Improvement Act 1882.

The Corporation of Blackburn do hereby give you notice, that from and after the expiration of forty-eight hours from the service hereof, and between the hours of six o'clock in the forenoon and five o'clock in the afternoon, the Corporation will, by their surveyor and workmen, enter upon the house, privy, ashpit, cesspool, and other the premises in the occupation of you, situate in Street, in the Borough of Blackburn, as well for the purpose of inspection as for the purpose of executing the work consequent upon and incidental to the construction and laying of a branch drain, or diverting any present drain (if any) from the said house, privy, ashpit, cesspool, and other the premises aforesaid, into the main sewer of the Corporation in the said street, and so on, from day to day, until the same shall be fully and effectually constructed and laid or diverted, as the case may be.

Dated this day of 18 .

Borough Surveyor.

To
the owner, and
the occupier of the said premises.

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FORM (G.)

The Blackburn Improvement Act 1882.

The Corporation of Blackburn hereby give you notice and require you within next after the service of this notice to form, flag, and complete the footway opposite to or adjoining your and each of your said premises in Street, in the said borough, in the manner specified in and according to the specification hereunder written.

And further, that a plan, showing the work required to be done, is deposited for inspection at the surveyor's office, within the municipal offices, Blackburn, aforesaid, where the same may be inspected on any day (Sunday excepted), between the hours of ten o'clock in the forenoon and six o'clock in the afternoon; and further, that in case of your default in the premises, the Corporation will, without further notice, execute the said works, and charge you with the expenses thereof.

Dated this day of 18 .

Borough Surveyor.

SPECIFICATION ABOVE REFERRED TO.

[Here specify works.]

THE EIGHTH SCHEDULE.

CONSOLIDATED STOCK.

FORM OF TOWN CLERK'S CERTIFICATE AS TO BORROWING POWERS.

I town clerk of the borough of Blackburn, do hereby certify that the sum secured by the within written stock certificate is within the borrowing powers of the Corporation of Blackburn as fixed by Act of Parliament.

Witness my hand this day of 18 .

Witness,

Town Clerk,
Town Hall, Blackburn.

THE NINTH SCHEDULE.

FORMS.

(A.)

RESOLUTIONS OF COUNCIL ON CREATION OF STOCK.

Resolved First—

That under the authority and subject to the provisions of the Blackburn Improvement Act 1882 the Corporation acting by the council do hereby in exercise of their several statutory powers create stock to be called Blackburn

Corporation [Irredeemable] Stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding [five hundred thousand] (£500,000):—

A. For raising the following sums (amounting in the aggregate to the sum of pounds which has not been raised) that is to say:—

(1) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the purchase money for [ ] and the cost of reconstruction of portions thereof;

(2) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the cost of construction of [ ];

(3) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the construction of [ ];

(4) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the [ ] Acts for the purposes of [sewering and paving within the borough].

B. For raising instead of re-borrowing the sum of pounds required by the Corporation for the purpose of paying off when due sums amounting to pounds which will fall due before the [1st January 188] being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to reborrow.

C. For raising the sum of pounds for repaying the amount temporarily borrowed by the Corporation from [the Bank of England] in order to enable the Corporation to meet sums which amount to pounds being a portion of their debt secured on outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say):—

and which sums the Corporation are under those Acts authorised to reborrow.

D. For raising the sum of pounds for paying off or redeeming statutory securities granted by the Corporation under the following Acts now outstanding (that is to say):—

E. For the purpose of issuing stock in substitution for statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say):—

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Resolved secondly—

That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner herein-after specified (that is to say) :—

A. The minimum price of issue to be [ ] per cent. the first dividend to be payable on the [1st January 188];

B. Tenders for stock to be made to the Bank of England. A deposit of 5 per cent. on the amount of stock tendered for to be paid at the Bank of England at the time of the delivery of the tender ;

C. The dates for the further payments on account of the said tenders when accepted to be as follows On [Wednesday the 20th day of October 188 so much of the amount tendered and accepted as when added to the deposit will leave £75 (sterling) to be paid for each £100 of stock On Friday the 26th day of November 188 25 per cent. On Tuesday the 11th day of January 188 25 per cent. On Tuesday the 1st day of March 188 25 per cent.] In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture ;

D. Dividends at per cent. per annum payable [quarterly] ;

E. Dividends on the total amount of stock (calculated from the 1st of October 188), to be payable on the 1st January 188 .

F. Scrip certificates to bearer with coupons attached for the dividends payable 1st January 188 and 1st April 188 to be issued in exchange for the provisional receipts.

G. In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution.

H. Stock to be issued in sums of not less £100.

J. Stock to be transferable [in books and not by deed].

Resolved thirdly—

That such stock shall be irredeemable [or shall be redeemable as follows state terms].

Resolved fourthly—

That subject to the approval of the Commissioners of Her Majesty's Treasury an agreement be entered into with the Commissioners of Inland Revenue for the payment to the last-mentioned Commissioners of composition under the provisions of section 53 of the Inland Revenue Act 1880 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B.)

STOCK RECEIPT.

BLACKBURN CORPORATION STOCK (PER CENT.)

Transfer days: Monday, Tuesday, Wednesday, Thursday, Friday.

Holiday excepted.

RECEIVED this day of 188
of

herein-after called the said transferee
the sum of

being the consideration for

interest or share in the Blackburn Corporation Stock (per cent.), transferable at the Bank of England, and all my property and interest in, and right to, the same, and the dividends thereon, by this day transferred unto the said transferee

Witness hand

Witness

☞ The proprietors to protect themselves from fraud are recommended to accept by themselves or their attorneys, all transfers made to them.

£ *s.* *d.*

[*Indorsement.*]

NOTICE TO HOLDERS OF BLACKBURN CORPORATION STOCK
(PER CENT.)

PAYMENT OF DIVIDENDS.

Dividends are due on [the 1st January, 1st April, 1st July, and 1st October,] unless the [1st] of either of these months falls on a Sunday, in which case the dividends will be payable on the following day.

Dividends will be paid in one of the following modes :—

I. To the stockholders personally, or to their attorneys, at the Bank of England.

N.B.—Stockholders may arrange for the receipt of the dividends, free of charge, at any of the country branches, on application to the agent.

II. By transmission of dividend warrants by post, at the risk of the stockholder, under the following regulations :—

1. Any stockholder residing within the United Kingdom who desires to have his dividend warrant sent to his address by post, must fill up a form of application, to be obtained at the bank or at any of its branches.
2. In the case of joint accounts the application must be signed by all the members of the account directing the warrant to be sent to one of them at a given address.

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3. Post dividend warrants will be crossed & Co. and will only be payable through a banker. They will be drawn to the order of the stockholder and must be indorsed.

☞ Stockholders whose warrants are sent by post should give notice to the bank if they are not received on the day on which they ought to be delivered; but need not acknowledge those that arrive in due course.

Stock Certificates to Bearer.

Stock certificates to bearer of the denominations of £10 and any multiple of £10 with coupons for the quarterly dividends attached may be obtained in exchange for inscribed stock.

(C.)

Corporation Stock Certificate.

Borough of Blackburn.

Number

This is to certify that A.B. of [ ] is the proprietor of [ ] pounds of Blackburn Corporation Redeemable [*or* Irredeemable] stock subject to the Acts of Parliament relating thereto.

Given under the common seal of the mayor aldermen and burgesses of the borough of Blackburn this [ ] day of [ ] 18 [ ].

(D.)

Transfer in Books.

BLACKBURN CORPORATION STOCK (per Cent.)

No.

		£	s.	d.
Entered by	this day of in the year of our Lord one thousand eight hundred and and transfer do assign			
Witness to the identity of	interest or share in the Blackburn Corporation Stock (per cent.), transferable at the Bank of England, and all my property and interest in, and right to, the same, and the dividends thereon, unto			

Executors, administrators, or assigns. Witness hand

Witness

do freely and voluntarily accept the above stock transferred to

Witness

(E.)

APPLICATION FOR ISSUE OF POWER OF ATTORNEY.

Bank of England, the day of— 188

From A.B. and C.D. [*the registered stockholders in the bank books*]

_____

_____

_____

£ _____ Blackburn Corporation Stock (per Cent.)

To G.H. [*the intended attorney*]

_____

_____

_____

_____

Examined by | Dr. fol. Posted by | Cr. fol. Posted by | Transfer Book.

(F.)

POWER OF ATTORNEY FOR SALE AND TRANSFER AND FOR RECEIPT OF DIVIDENDS.

Corporate Account

BLACKBURN CORPORATION STOCK.

Acceptance, sale of £_____ and dividends.

We

our attorneys and attorney
for us and in our name and on our behalf—

First—to accept all transfers made or to be made to us of any sum of

BLACKBURN CORPORATION STOCK.

Secondly—to sell and transfer all, or any part of, the sum of

said stock standing in our name in the books of the Governor and Company of the Bank of England;

Thirdly—to receive and give receipts for all dividends or payments due, or to become due, on any sum of the said stock from time to time standing in our name in the books of the Governor and Company of the Bank of England;

A.D. 1882.

And also—to do whatever is necessary or proper to be done for the purposes aforesaid, or any of them.

In witness whereof we have hereunto affixed our Corporate seal this _____ day of _____ in the year of our Lord one thousand eight hundred and _____.

Sealed with the corporate seal and delivered in the presence of

N.B.—The execution of this letter must be attested by [two witnesses who are] not of the corporate body, and who must be present when the corporate seal is affixed.

For further instructions, see other side.

[*Indorsement.*]

INSTRUCTIONS FOR EXECUTING THE WITHIN LETTER OF ATTORNEY.

Corporate Account.

The datemust be inserted in words and not in figures.

The execution must be attested by [two credible witnesses who are] not of the corporate body, and who must add [their addresses and their qualities, professions, or occupations].

A witness resident in a town must give the No. of the house as well as the name of the street.

If clerks or servants are witnesses they must give the names and addresses of their employers.

When a witness is a female she must state whether she is a spinster, wife, or widow; and if a wife she must give her husband's name, address and quality, profession, or occupation.

A wife is not a valid witness to the execution of this letter of attorney when her husband's name appears in the letter as attorney or transferee.

If any alteration, interlineation, or erasure be made in this letter of attorney, it must be particularly stated in the attestation, subscribed to by the witnesses, that such alteration, interlineation or erasure was made previously to the execution of the letter.

I demand to act by this letter of attorney, this day of 18 .
Witness

(G.)

Deed of Transfer.

Borough of Blackburn.

I A.B. of [ ] in consideration of the sum of [ ] pounds paid to me by C.D. of [ ] (herein-after called the said transferee) do hereby transfer to the said transferee the sum of [ ] pounds Blackburn Corporation Redeemable [or Irredeemable] Stock standing [or part of the stock standing] in my name in the books of the mayor aldermen and burgesses of the borough of Blackburn to hold unto the said transferee his

executors administrators and assigns [or successors and assigns] subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions. A.D. 1882.

As witness our hands and seals the [ ] day of [ ].

(H.)

Dividend Warrant.

BLACKBURN CORPORATION STOCK.

(per Cent.)

To the cashiers of the Bank of England.

Pay to bearer the sum of _____

---

for one quarter of a year's dividend on the sum of £ Blackburn Corporation Stock (per cent.) due 188 . Less property tax at *d* per £.	

I do hereby acknowledge to have received of the Bank of England the above-mentioned sum, in full payment for one quarter of a year's dividend due as abovesaid.

Witness, Witness my hand this , 188 .

(I.)

Dividend Warrant by Post.

(1.)

BLACKBURN CORPORATION STOCK (PER CENT.)

Request for Transmission of Dividend Warrants by Post.

To the Governor and Company of the Bank of England.

A sum of £ Blackburn Corporation Stock (per cent.) is now standing in name as follows:— Amount.

"my" or "our."

_____ Names, addresses, and descriptions as recorded in the bank books.

_____

_____

_____

As the person entitled to the dividends upon the above-mentioned amount of stock hereby authorise the Accountant-General of the Bank of England, for the time being, in the name of to draw upon the Governor and Company of the Bank of England for the amount of

"I" or "we."

"myself" or "our nominee."

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"my" or "our."

"I" or "we."

"my" or "our."

the quarterly dividends due and to become due on the said amount of stock, or on the amount for the time being standing in name :

And hereby request the said Accountant-General to send through the post, at risk and until further notice, the Warrants so drawn to—

If the account is a sole one, insert here the name and address of the stockholder; if the account is a joint one, insert here the name and address of one of the stockholders, as nominee.

Name . . . . . _____

Present address _____

_____

SIGN HERE.

In the case of joint stockholders or of co-executors all must sign. _____ _____ _____ _____

Date _____ 188 .

[*On second half-sheet of same Form.*]

This half-sheet is to be retained by the stockholder. Reference to it will often save unnecessary correspondence.

NOTICE TO HOLDERS OF BLACKBURN CORPORATION STOCK
(PER CENT.)

Transmission of Dividend Warrants by Post.

Dividends upon the above-named stock may be transmitted through the post to the stockholder in sole accounts, and to any one of the stockholders in joint accounts, at their risk, upon a form of request being duly filled up and forwarded to the Accountant-General, Bank of England. (Forms are obtainable at the Bank of England, and at any of its branches.)

N.B.—This arrangement does not apply to stockholders whose addresses are beyond the United Kingdom.

Persons receiving dividends under letter of attorney cannot have the warrants for such dividends sent to them by post.

A separate form must be used for each separate holding of stock.

When forwarding a form of request, care should be taken to state the number of overdue dividends, if any.

Dividends are payable on [1st January, 1st April, 1st July, and 1st October].

When the [1st] happens on a Sunday, the dividends are not payable until the [2nd].

Forms of request may be delivered at the bank at any date, either by hand or through the post, but when received between the day on which the balance for a dividend is struck and the day on which the dividend is payable, the warrants for such next dividend will be forwarded as soon as possible, but the bank will not guarantee their being posted on the day before the dividend is payable.

For the dividend payable [1st January] the balance is struck on or about the [1st December].

For the dividend payable [1st April] the balance is struck on or about the [1st March].

For the dividend payable [1st July] the balance is struck on or about the [1st June].

For the dividend payable [1st October] the balance is struck on or about the [1st September].

Warrants for overdue dividends will be forwarded as promptly as possible, but not necessarily by return of post.

Any change of address of the stockholder in sole accounts, or of the nominee in joint accounts, should be notified at once to the Accountant-General. When any such notification reaches the bank less than a fortnight before the next dividend is due, there may be a delay of a few days in the delivery of the warrant for such next dividend.

In the absence of any notification to the contrary, it will be taken for granted that dividend warrants have duly reached their destinations. When they are not received on the correct day, notice should be given to the Accountant-General without delay.

As postal dividend warrants are made payable to order, they must be indorsed: they are crossed in blank, and consequently are only payable on presentation by a banker. (The bank will not undertake to cross postal dividend warrants with the names of particular bankers.)

Instructions to transmit warrants by post remain in force, although the stock may have been added to, or a part sold.

Stockholders selling stock by attorney, if they wish to continue to receive their dividends through the post, should instruct their bankers, or brokers, to obtain letters of attorney for sale only.

All communications with reference to postal dividend warrants should be addressed to the Accountant-General, Bank of England, and the postage should be prepaid.

(2.)

POST DIVIDEND WARRANT.

BLACKBURN CORPORATION STOCK

(PER CENT.)

To the Governor and Company of the Bank of England, London.

Pay to me or my order on demand the sum of

being one quarter of a year's dividend at £ per cent. per annum, due on the 1st day of , 188 , on the sum of £ { Blackburn Corporation Stock (per cent.)

Less property tax at per £

Accepted for the Governor and Company of the Bank of England.

Per pro

[F. MAY]

Chief Cashier Accountant-General.

The person to whom this warrant is payable must sign his or her name on the back of it.

A.D. 1882.

(K.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

BLACKBURN CORPORATION STOCK CERTIFICATE TO BEARER.

DIVIDEND AT £ PER CENT. PER ANNUM.

£50 A00000

This is to certify that the bearer of this certificate is entitled to fifty pounds Blackburn Corporation [Redeemable] Stock with dividend thereon at the rate of £ per cent. per annum transferable at the Bank of England pursuant to the Blackburn Improvement Act 1882.

Dated , 188 .

For the Governor and Company
of the Bank of England,
[F. MAY.]

Countersigned
[S. O. GRAY,]
Chief Accountant,
Bank of England.

A00000 £50

The coupons attached to this certificate are payable at the chief establishment of the Bank of England, or at any of the country branches.

When the coupons are exhausted this certificate will be exchanged on presentation at the Chief Cashiers Office, Bank of England, for a new certificate with fresh coupons attached.

[COUPONS.]

5 Div. BLACKBURN CORPORATION STOCK. Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A00000 Due [1st January, 18] on Certificate for FIFTY POUNDS BLACKBURN CORPORATION STOCK, £ Payable at the Bank of England.	5 Div. BLACKBURN CORPORATION STOCK. Due [1st Jan. 18] A00000 £ .	4 Div. BLACKBURN CORPORATION STOCK. Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A00000 Due [1st October, 18] on Certificate for FIFTY POUNDS BLACKBURN CORPORATION STOCK, £ Payable at the Bank of England.	4 Div. BLACKBURN CORPORATION STOCK. Due [1st Oct. 18] A00000 £ .
3 Div. BLACKBURN CORPORATION STOCK. Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A00000 Due [1st July, 18] on Certificate for FIFTY POUNDS BLACKBURN CORPORATION STOCK, £ Payable at the Bank of England.	3 Div. BLACKBURN CORPORATION STOCK. Due [1st July 18] A00000 £ .	2 Div. BLACKBURN CORPORATION STOCK. Coupon for Shillings and Pence, (Less Income Tax) being Three Months' Dividend at £ Per Cent. Per Annum. A00000 Due [1st April, 18] on Certificate for FIFTY POUNDS BLACKBURN CORPORATION STOCK, £ Payable at the Bank of England.	2 Div. BLACKBURN CORPORATION STOCK. Due [1st Apr. 18] A00000 £ .

FEES.

	£	*s.*	*d.*	A.D. 1882.
On original issue of stock receipt or stock certificate - -	0	2	6	——
On any new stock certificate - - - - -	0	2	6	
On transfer with or without new stock certificate - - -	0	5	0	
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein - - - -	0	0	6	
On re-entry in Corporation stock register of stock specified in stock certificate to bearer - - - - - - - -	0	5	0	

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