CHAPTER cxcix.

An Act to extend the borough of Blackpool, and to enable the Mayor, Aldermen, and Burgesses thereof to make New Streets, Street Improvements, and other Works; to extend the limits of Gas supply; and to make further provision for the improvement and government of the borough; and for other purposes. [11th August 1879.] A.D. 1879.

WHEREAS by Royal Charter bearing date the twenty-first day of January one thousand eight hundred and seventy-six the inhabitants of the town of Blackpool, in the county palatine of Lancaster, and of the township of Layton-with-Warbreck, within the limits specified in the said charter, were incorporated by the name of the mayor, aldermen, and burgesses of the borough of Blackpool, and the provisions of the Municipal Corporations Acts were extended to the borough so incorporated:

And whereas the mayor, aldermen, and burgesses of the said borough (in this Act called "the Corporation"), acting by the Council, are the urban sanitary authority for the district of the said borough:

And whereas the following Acts are in force within the said borough; (that is to say,)

The Blackpool Improvement Act, 1853; 16 & 17 Vict. c. xxix.

The Blackpool Improvement Act, 1865; 28 & 29 Vict. c. ccxiv.

which Acts are in this Act referred to collectively as "the former Acts," and each of them separately as an Act of the year in which the same was passed:

And whereas the Corporation are the owners of the gas undertaking of the said borough, and under powers contained in the Act of 1853 manufacture and supply gas in the said borough:

And whereas it is expedient that the municipal limits of the said borough be extended so as to include part of the township of Marton, and also that part of the township of Bispham-with-Nor-

A.D. 1879.

breck, known as Bispham Hawes, and also certain parts of the sea-shore and area adjacent thereto, and that the said parts of the said townships included within the extended borough be detached from the jurisdiction of the rural sanitary authority of the Fylde Union, so that the Corporation be constituted the sole sanitary authority within the extended borough:

And whereas the Corporation are the burial board for the said borough, and it is expedient that they be constituted the burial board for the borough as extended:

And whereas it is expedient that the boundaries of certain of the existing wards be extended:

And whereas it is expedient that the Corporation be enabled to construct the several new works and improvements herein-after mentioned:

And whereas it is expedient that the limits within which the Corporation are empowered to supply gas be extended:

And whereas it is expedient that the Corporation should for the purposes of experiment be authorised for a limited period to manufacture or provide and to supply light within the borough for the purposes in this Act mentioned by means of electricity, and that all incidental and supplementary powers for this purpose, and other purposes connected therewith (including the supply of heat and of motive power), should be conferred upon the Corporation:

And whereas the Corporation have power to provide slaughter-houses, and it is expedient that when proper provision has been made in that behalf they be authorised to close existing slaughter-houses:

And whereas it is expedient that further powers be granted to the Corporation for the borrowing of money and the improving and better governing of the borough, and that the former Acts be in divers particulars altered and amended, and the powers thereof extended:

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the following works by this Act authorised, and such estimates are as follows; (namely,)

For new streets and roads and street improvements, one hundred and seventy thousand pounds;

For purposes of gasworks and gas supply, thirty-six thousand pounds:

And whereas the several works included in such estimates are

permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875: 38 & 39 Vict. c. 55.

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-sixth day of November one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting, and of the purpose thereof, in the Blackpool and Fleetwood Gazette, a local paper published or 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 borough rate:

And whereas such resolution was published twice in the Blackpool and Fleetwood Gazette, a newspaper circulating in the borough, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the fourth day of February one thousand eight hundred and seventy-nine, 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 the Third Schedule of the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

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

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

1. This Act may be cited as the Blackpool Improvement Act, 1879. **Short title.**

Incorporation of general Acts.

2. The following Acts or parts of Acts; (that is to say,)

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

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof;

8 & 9 Vict. c. 20. 10 & 11 Vict. c. 16.

The provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, except section eighty-four;

10 & 11 Vict. c. 15.

The Gasworks Clauses Act, 1847;

10 & 11 Vict. c. 14.

The Markets and Fairs Clauses Act, 1847; and

10 & 11 Vict. c. 89.

The Town Police Clauses Act, 1847;

so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act, are hereby incorporated with this

34 & 35 Vict. c. 41.

Act; and the Gasworks Clauses Act, 1871, except section eight (for appointment of a receiver) and section thirty-five (accounts, &c.), shall apply to the existing gas undertaking of the Corporation as if the same were hereby authorised.

Interpretation of terms.

3. In this Act—

"The existing borough" means the municipal borough as existing at the passing of this Act:

"The added part of the borough" means the area added to the existing borough by this Act:

"The borough" means the municipal borough of Blackpool as extended by this Act:

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

"The Council" means the Council of the borough:

"The town clerk," "the treasurer," "the surveyor" respectively mean the town clerk, the treasurer, and the surveyor of the borough:

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the borough:

"District fund" and "general district rates" mean respectively the district fund and general district rates of the borough:

"The rural sanitary authority" means the rural sanitary authority for the Fylde Union:

The term "street" applies to and includes any highway, and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, whether made before or after the commencement of this Act:

The term "owner" means the person who for the time being receives the rackrent of the lands with reference to which that

term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if the lands were let at a rackrent, and includes every successive owner from time to time of the lands for any part of the time during which the enactment wherein that term is used operates in relation to such lands:

"Rackrent" means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises, and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent:

"Bankruptcy" includes liquidation by arrangement and composition with creditors, and "bankrupt" includes any person so liquidating or compounding:

"Gas revenue" and "gas rents" mean respectively all net moneys (other than borrowed moneys) received for or in relation to the manufacture and supply of gas, and for and in relation to the manufacture and conversion of residual products:

"Gas purposes" includes the purpose of and in relation to the manufacture and supply of gas, and the manufacture and conversion of residual products:

"Market purposes" includes the purpose of fairs and slaughterhouses:

"Sanitary purposes" includes the making and maintaining of streets and highways, lighting, scavenging, sewerage, prevention of nuisances, the preservation of the health, and the improvement of the borough:

"Parade purposes" means purposes of and in relation to the construction of the carriage drive and parade, the erection and maintenance of sea walls, groynes, and other protections against the sea, and the maintenance of the parade:

"Sanitary expenses," "gas expenses," and "market expenses" respectively mean expenses incurred for sanitary purposes, parade purposes, gas purposes, and market purposes respectively:

"Parade expenses" means expenses incurred for parade purposes, including interest and payments to sinking fund:

"Fittings" includes all meters, apparatus, appliances, articles

A.D. 1879.

and things provided for or supplied to any person by the Corporation for or in relation to a supply of gas:

"Daily penalty" means a penalty to accrue for each day any offence shall continue after conviction therefor:

"Court of summary jurisdiction" means any justice or justices of the peace, stipendiary or other magistrate or officer by whatever name called to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate "the performance of the duties of justices of the peace out of "sessions within England and Wales with respect to summary "convictions and orders," and any Act amending the same:

"The Public Health Acts" means the Public Health Act, 1875, and any Act amending the same:

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

5 & 6 W. 4. c. 76.

33 & 34 Vict. c. 75.

"The Education Act" means the Elementary Education Act, 1870, and any Act amending the same:

"Porter's cart" means any vehicle used for the conveyance of any luggage, goods, or parcels, and kept or plying for hire:

"Carriage" means any vehicle used for the conveyance of persons:

"Omnibus" means any carriage licensed for the conveyance of passengers paying separate and distinct fares, and used for the taking up and setting down passengers upon its route, or for the conveying of passengers to any place within or without the borough:

In the Railways Clauses Consolidation Act, 1845, for the purposes of this Act—

The expressions "the railway," "the centre of the railway," and "the work" respectively mean the works and the boundaries of works by this Act authorised:

Terms to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act and (for the purposes of this Act) in enactments incorporated with this Act—

The expressions "court of competent jurisdiction," "superior courts," or any other like expression, shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt, and not a debt or demand created by statute, and shall include any court of competent jurisdiction.

Foreshore, &c. to be street for police purposes.

4. Every part of the foreshore and sands within the borough shall for the purposes of the Town Police Clauses Act, 1847, be deemed to be a street.

Extension of borough.

5. The borough shall comprise the district comprised in the First Schedule to this Act.

Added part of borough within district of sanitary authority detached therefrom.

6. That portion of the added part of the borough which is included within the district of the rural sanitary authority is hereby detached therefrom, and shall henceforth be free from the jurisdiction of and from all rates or contributions to be levied by virtue of any precept issued by that sanitary authority.

Authority of Corporation, &c. extended.

7. Subject to the provisions of this Act, all the real and personal property at the passing of this Act vested in the existing Corporation or Council in any capacity for the benefit of the existing borough are hereby vested in the Corporation, but subject to all debts, liabilities, interests, and obligations affecting the same, or any part thereof, or the existing Corporation or Council in respect thereof, and all the powers, rights, privileges, authorities, immunities, and duties of the existing Corporation as a municipal body and the existing Council, and any committee thereof, and of the existing Corporation acting in execution of the said Royal Charter, and of such of the provisions of the former Acts as were at the passing of this Act in force within the existing borough, and of the existing Corporation acting by the Council, or any committee thereof, as the urban sanitary authority for the district of the existing borough, and as the burial board for the existing borough, and of all officers and servants of the existing Corporation, shall extend to and throughout the borough, and all enactments, orders, regulations, and byelaws at the passing of this Act applicable to the existing borough shall extend and apply to the borough.

Jurisdiction, &c. of borough officers.

8. The jurisdiction, powers, authorities, rights, privileges, and duties of all constables, officers, and servants of the existing borough shall extend to and throughout the borough.

As to shingle.

9. The provisions of section eighty-three (gravel, &c. not to be removed without license) of the Act of 1853 shall extend to every portion of the foreshore and sands which is included within the borough: Provided always, that the Corporation shall not grant

A.D. 1879.

any license to dig, carry away, or move any gravel, shingle, stone, clay, marl, sand, or soil of or from the beach or shore adjoining or in front of the estate and land known as Claremont Park, belonging or reputed to belong to the Blackpool Land, Building, and Hotel Company, Limited, without the approval and consent of such Company and other the owners of the said estate and lands for the time being first obtained.

Extension of School Board district.

10. For the purposes of the Education Act the following provisions shall have effect; (that is to say,)

The members of the school attendance committee of the existing borough who shall be in office at the passing of this Act shall be the school attendance committee for the borough:

All the officers of the school attendance committee for the existing borough shall become the officers of the school attendance committee for the borough:

All byelaws of the school attendance committee for the existing borough shall apply to the borough.

Wards, &c. in extended borough.

11. The borough shall continue to be divided into six wards, having the names and boundaries set forth and described in Part I. of the Second Schedule to this Act, and the regulations in Part II. of the same Schedule respecting the number, elections, and rotations of aldermen and councillors and other matters shall have effect: And whereas the making out of the ward lists in alphabetical order in wards comprising more than one parish or township, or parts of different parishes or townships, is attended with delay and difficulty, therefore in any ward which comprises more than one parish or township, or parts of different parishes or townships, the names of the persons entitled to be placed in such ward lists shall be so placed alphabetically in respect of each of such parishes or townships, or parts of such parishes or townships, instead of alphabetically in respect of the whole of such ward.

Saving 22 Vict. c. 35.

12. Notwithstanding anything in this Act, the provisions of the Municipal Corporation Act, 1859 (relating to the divisions of boroughs into wards), and of any enactment substituted for or amending the same, shall continue to apply to the borough.

Deposit of borough and ward plan.

13. The borough and ward plan mentioned in the First and Second Schedules to this Act, signed by Sir Lawrence Palk, Baronet, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, shall, within one week after the passing of this Act, be deposited with and shall be deemed part of the deposited plans.

Copies of deposited borough and

14. Copies of the said borough and ward plan deposited with the town clerk, or any extract therefrom certified by him to be

true, shall be received by all courts of justice or elsewhere as primâ facie evidence of the contents of such plans, and such plans 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 plans certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Ward plan to be evidence.

15. Subject to the provisions of this Act, all arrears existing at the passing of this Act of rates leviable within the added part of the borough may be levied and collected as if this Act had not been passed.

Arrears of rates.

16. With respect to highways (not being turnpike roads) in the townships, parts of which are within the added part of the borough, the following provisions shall from and after the passing of this Act have effect; (that is to say,)

Provisions as to highways.

The part of a township added to the borough is referred to as "the included part," and the part not so added as "the excluded part":

The highways within the added part of the borough shall be exempt from the jurisdiction of every road authority other than the Corporation:

All lands, houses, and hereditaments within the added part of the borough shall, subject to the provisions of this Act, be exempt from all highway rates to be made in respect of the townships or parishes in which they are respectively situate:

The excluded part shall for all purposes connected with highways, surveyors of highways, and highway rates, be considered and treated as a township maintaining its own highways:

The net moneys paid or to be paid on account of the last made highway rate shall be apportioned between the excluded part of such township and the borough in the proportion which the rateable value of the excluded part bears to the rateable value of the included part:

All arrears of highway rates in any divided township shall be levied and collected as if this Act had not been passed, and shall be apportioned between the Corporation and the excluded part of such township in like manner as is herein-before provided for the apportionment of net moneys:

All orders of any road authority in force at the passing of this Act may, after the passing thereof, be enforced as to the included part by the Corporation, and as to the excluded part by the road authority by whom such order was made.

A.D. 1879.

For the protection of the Blackpool Pier Company.

17. For the protection of the Blackpool Pier Company, in this section called the company, the following provisions shall have effect; that is to say,

1. Nothing in this Act shall confer on the Corporation any power, right, or authority with respect to the pier undertaking of the company other than the powers of the Corporation with respect to sanitary matters, which may, so far as applicable, be exercised by the Corporation over and in relation to the whole of the said pier undertaking:
2. Before the company shall proceed to make any addition to the buildings on the deck of the pier undertaking, or to erect any new building, they shall submit to the Corporation, in accordance with the provisions of the Acts relating to the borough, plans of such proposed addition or new building for their approval, but such plans shall be subject to the approval of the Corporation on sanitary grounds only:
3. From and after the passing of this Act, the company shall, subject to the provisions of this section, pay a fixed annual sum of two hundred and four pounds in lieu of all rates and charges which now are or hereafter may be leviable by or on behalf of the Corporation in respect of the pier undertaking other than a rate for police purposes:
4. If and when the Corporation shall be empowered to appoint their own police, the pier undertaking as it now exists shall be assessed and rated for police purposes on a rateable value of one thousand two hundred pounds:
5. If the company shall at any time extend or enlarge the pier, or any building thereon, or construct any new building, they shall be liable to be assessed from year to year and rated by the Corporation in respect of such extension, enlargement, or new building, and if any difference arise between the company and the Corporation as to the amount of such assessment such difference shall be determined by arbitration under and according to the provisions of the Public Health Acts:
6. In case the company shall at any time apply to Parliament for an Act for any further extension or enlargement of their pier undertaking, and the Corporation shall present a petition against the same, the company shall not raise any objection to the locus standi of the Corporation.

For the protection of the South Blackpool Jetty Company, Limited.

18. The provisions of the next preceding section for the protection of the Blackpool Pier Company shall extend and apply, mutatis mutandis, to the South Blackpool Jetty Company, Limited,

and to their undertaking, except that in construing those provisions for the purpose of this section the sum of two hundred and four pounds shall be read as the sum of eighty-four pounds seven shillings and sixpence, and the sum of one thousand two hundred pounds as the sum of five hundred pounds.

Limits of Act.

19. This Act, except where otherwise expressed or implied, shall apply exclusively to the borough.

Act to be executed by Council.

20. 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 Corporations Acts, Public Health Acts, and the Burial Acts respectively, and other Acts for the time being affecting the Corporation as a municipal body, sanitary authority, and a burial board respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation, and on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the before-mentioned 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 the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under those Acts respectively.

Power to make works, &c.

21. Subject to the provisions of this Act, the Corporation may, if they think fit, make and maintain, in the lines or situations and according to the levels shown on the deposited plans and sections, the following works wholly in the county of Lancaster; (that is to say,)

No. 1.—Warbreck Road Improvement.

No. 1. The widening, straightening, and improving of Warbreck Road on both sides, commencing at the Gynn, and terminating at the east end of Wilton Parade.

No. 4.—Market Street Improvement.

No. 4. The widening and improving of the east side of Market Street from Talbot Square to Church Street.

No. 5.—Bank Hey Street Improvement.

No. 5. The widening and improving of the east side of Bank Hey Street from Church Street to the north-west corner of the Borough Bazaar, at the Top of Hounds Hill.

A.D. 1879.

No. 7.—North Beach Improvement.

No. 7. The widening and improving of the east side of North Beach, in front of Regent Terrace from Banks Street to the bottom of Cocker Street.

No. 8.—Talbot Road Improvement.

No. 8. The widening and improving Talbot Road on both sides from Talbot Square to Station Road on the north side, and to Catterall Street on the south side.

No. 10.—Lane Ends Street Improvement.

No. 10. The widening and improving of the north side of Lane Ends Street from a point ten yards west of the west side of Market Street, thence for a distance of thirty yards westwards.

No. 11.—Improvement of Church Street (Blackpool) and Abingdon Street.

No. 11. The widening and improving of Church Street on both sides from Lytham Street to King Street on the north side, and from St. Ann's Street to Alfred Street on the south side, and of the east side of Abingdon Street from Church Street, for a distance of twenty-two yards northwards.

No. 12.—Raikes Road and Whitegate Lane Improvement.

No. 12. The widening and improving of Raikes Road on the north side from Elizabeth Street to the termination of that road, and on the south side from Raikes Hill, opposite Park Road to Whitegate Lane, also of Raikes Road and Whitegate Lane at their junction by rounding off the north-east corner of Raikes Hall Gardens, from a point in Raikes Road one hundred and sixty-four feet from the north-west corner of the Old No. 3 Hotel, to a point in the said gardens in Whitegate Lane one hundred and seventy-seven feet from the said corner.

The diversion of a portion of Raikes Road for a distance of one hundred and sixty yards measured along the south side of that road, commencing at a point fifty-five yards west from the north-west corner of the Old No. 3 Hotel, and terminating two hundred and fifteen yards west from the same place.

No. 14.—Whitegate Lane Improvement.

No. 14. The widening and improving of Whitegate Lane for the whole length and on both sides:

A.D. 1879.

The diversion of Whitegate Lane on the east side for a distance of one hundred and one yards, commencing at a point sixty yards north of the north side of Whitegate Villa, and terminating at a point one hundred and seventy yards north of the same place:

A diversion of Whitegate Lane on the east side for a distance of one hundred and five yards, commencing at a point five yards north of the road leading through Great Marton Village, and terminating at a point one hundred and ten yards north of the same place.

No. 19.—Church Street (South Shore) Improvement.

No. 19. The widening and improving of Church Street on both sides from Station Road to Waterloo Road.

No. 20.—Bolton Street Improvement.

No. 20. The widening and improving of Bolton Street on the east side from Alexandra Road to the end of the said street, and on the west side from Waterloo Road to a point twenty-one yards north of the north side of Alexandra Road.

No. 22.—Parade at South Shore Improvement.

No. 22. The widening and improving of the carriage drive on the east side from Alexandra Road to Eccleston Bank.

No. 23.—Spen Dyke Diversion.

No. 23. A cut or culvert commencing at a point in the north bank of Spen Dyke, forty feet east of the foot of the eastern side of the embankment of the Blackpool and Lytham Railway, and terminating on the seashore ten feet below high water mark at ordinary spring tides, and twenty-one feet south of the existing sewage pipe of the Corporation.

Of the foregoing works, Nos. 1, 4, 5, 7, 8, 10, 11, 12, part of No. 14, the whole of Nos. 19, 20, 22, and 23 are in the said township of Layton-with-Warbreck, and part of No. 14 is in the township of Marton;

Together with all necessary or convenient cuttings, embankments, piers, bridges, arches, conduits, tunnels, dams, piling, roadways, pavements, footways, sewers, drains, apparatus, approaches, works, and conveniences in connexion with the said works, or any of them.

Diversion of Spen Dyke.

22. The Corporation may divert through the culvert hereby authorised the stream known as Spen Dyke.

A.D. 1879.

Works affecting tidal lands to be approved by the Board of Trade.

23. The Corporation shall not construct any works on any part of the shore of the sea or bed of the sea where the tide flows and reflows without the previous consent of the Board of Trade to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid, and where any such work shall have been constructed with such consent as aforesaid, the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents and approvals, and if any such work shall be commenced or completed without such consent and approval, the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Corporation, and the amount of such costs shall be a debt due to the Crown and recoverable against the Corporation accordingly.

Limits of lateral and vertical deviation.

24. In the construction of the several works authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation indicated thereon, and beyond those limits with the consent of the persons through whose lands any such deviation is proposed to be made, and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits, and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or three feet downwards; provided that nothing herein contained shall authorise the Corporation to deviate vertically from the levels so shown as affecting the said stream called Spen Dyke, but such levels shall be in all respects adhered to.

Power to make subsidiary works.

25. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the said works and improvements by this Act authorised, or any of them, 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 said works or improvements, or any of them, and may raise, lower, or alter any vault, arch, cellar, or area under or adjoining any roadway or footway, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or improvements, or any of them, or of crossing under or over the same, or any of them, or otherwise: Provided always, that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them or any of them.

Power to alter pipes, &c.

26. In executing the works by this Act authorised the Corporation may raise, sink, or otherwise alter the position of any sewer, drain, water pipe, or gas pipe, and also any pipe, tube, wire, or apparatus laid down or used for telegraphing or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making reasonable compensation for damage caused by the execution of the powers of this enactment.

Temporary stoppage of streets.

27. The Corporation may from time to time stop up any street, road, or court, and prevent all persons from passing along or using the same for any reasonable time during the execution of any work by this Act authorised.

Time for completion of works.

28. If the works shown on the deposited plans and authorised by this Act be not completed within fifteen years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Corporation for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

For the protection of the Fylde Waterworks Company.

29. If for the purpose of constructing the works by this Act authorised the Corporation shall find it necessary or expedient to raise, sink, or otherwise alter the position of any of the water mains, pipes, valves, syphons, plugs, or other works laid down or belonging to the Fylde Waterworks Company, such raising, sinking, or alteration shall be done with as little detriment and inconvenience to that company as the circumstances will admit, and under the superintendence and to the reasonable satisfaction of the engineer of that company, if he shall think fit to attend, after receiving not less than forty-eight hours notice for that purpose; provided that it shall not be lawful for the Corporation to remove or displace any of the aforesaid mains or pipes (other than private service pipes), valves, syphons, plugs, or other works of the said company, or to do anything to impede the passage of water into or through such mains or pipes, until good and sufficient mains or pipes, valves, syphons, plugs, and all other works necessary or proper for continuing the supply of water, shall, at the expense of the Corporation, have been first made or laid down in lieu thereof, and be ready for use in a position as little varying from that of the mains, pipes, valves, syphons, or plugs proposed to be removed or displaced as may be consistent with the construction of the works by this Act authorised, and to the reasonable satisfaction of the aforesaid engineer.

It shall not be lawful for the Corporation to leave any of the mains or pipes of the said company with a covering of less than two feet three inches from the surface of the road, or to bury or

A.D. 1879.

cover any such mains or pipes so that the same be left more than three feet below the surface of such road, without the consent in writing of the said engineer first had and obtained.

For the protection of the Blackpool Sea Waterworks Company.

30. The provisions of the foregoing section, the marginal note whereof is "for the protection of the Fylde Waterworks Company," shall extend and apply, mutatis mutandis, to the water mains, pipes, valves, or other works laid down or belonging to the Blackpool Sea Water Company.

Provisions for the protection of the Lancashire and Yorkshire and London and North-western Railway Companies.

31. Notwithstanding anything contained in this Act or shown on the deposited plans or sections, the Corporation in constructing and maintaining the works by this Act authorised affecting the Blackpool and Lytham Railway (herein-after called "the said railway") of the Lancashire and Yorkshire and London and North-western Railway Companies, proprietors of the Preston and Wyre Railway (herein-after called "the proprietors"), or any works, lands, or property of the proprietors connected therewith, shall be subject to the following conditions; namely,

(1.) All the works in, upon, or under the said railway, works, or lands of the proprietors, or any part thereof, shall be executed by and at the expense of the Corporation, under the superintendence and to the satisfaction in all respects of the engineer for the time being of the proprietors, according to plans, sections, and specifications previously submitted to and reasonably approved by him in writing, and in constructing the said works, or any of them, where they will cross under the said railway the Corporation shall carry them thereunder by such means and in such manner only as not to interfere with the free, uninterrupted, and safe user of the said railway, and so as to leave undisturbed all the existing lines thereof at the spot where they are so to be passed under:

(2.) If the engineer of the Corporation and the engineer of the proprietors differ concerning the said plans, sections, and specifications, or concerning the execution of the said works or operations, 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 Corporation shall at all times maintain the works herein-before mentioned in substantial repair and good order and condition, so that the traffic upon the said railway shall not be in anywise impeded or interfered with:

(4.) The Corporation shall bear and on demand pay to the proprietors the reasonable expense of the employment by them during the execution of the works affecting the said railway of a sufficient number of inspectors and watchmen to be appointed by the proprietors for watching their railway and works during the execution of such intended works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations, or from the acts or defaults of the Corporation, or their contractors or servants:

(5.) The Corporation shall acquire only an easement in and upon such of the works, lands, and property of the proprietors as may be necessary for constructing and maintaining the works by this Act authorised:

(6.) If by reason of the construction or maintenance of the works by this Act authorised, or any act or operation of the Corporation, the said railway, or any of the works or lands connected therewith, shall be damaged or injured, or the traffic thereon impeded or interfered with, the Corporation shall make full compensation to the proprietors for any loss or expense occasioned thereby:

(7.) The amount to be paid to the proprietors for the acquisition of any such easement and compensation for damage or injury (if any) to the said railway, works, and lands respectively, or impediment to or interference with the traffic thereon by the construction and maintenance of the works of the Corporation, 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.

Restricting interference with certain property.

32. The Corporation shall not commence to pull down or remove any buildings taken under the powers of this Act for the purposes of the Market Street or Bank Hey Street improvements, and shown on sheet 17 of the deposited plans, before the first day of October one thousand eight hundred and eighty, nor shall the Corporation before that date give notice to take the property numbered 304, 304A, 306, and 307 on the deposited plans, and no alteration so as to increase the value thereof, and no extension thereof, and no addition thereto, shall be made before the said first day of October.

Streets disused vested in Corporation.

33. Where any street or ground abutting on any street and dedicated to public use or open to the passage of the public becomes in consequence of the execution by the Corporation of any new streets or street improvements shown on the deposited plans and authorised by this Act no longer required for public

A.D. 1879.

use or for approach to any property adjoining the same, the same is hereby vested in the Corporation freed and discharged from the public use thereof; provided that if any land be injuriously affected by such street or ground being so vested in the Corporation they shall make to the owner and occupier of such land compensation therefor.

Elevation of buildings fronting streets to be as Corporation approve.

34. All buildings from time to time erected in such part of any street shown on the deposited plans as shall have been made, widened, extended, or improved under the powers of this Act, and every building any external wall of which shall be altered to the extent of one half thereof to or towards the front of such part of such street shall be erected or altered in such line to the street and in accordance with such elevation fronting to or towards the street as the Corporation appoint or approve, and if the owner, lessee, or occupier of any building, which on the making of any such new street, or on the widening, extending, or improving of any such street, acquires a frontage to the street, make any door or entrance opening upon or communicating with the street, or any wall or fence by the side of the street, every such owner, lessee, or occupier shall make the building, wall, or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation.

The Corporation shall pay or tender compensation to the owner or lessee of any building for any loss or damage he may suffer by reason of the setting back or bringing forward of such building.

The provisions of this section shall not, except as regards any building used or occupied exclusively as a dwelling-house, apply to any building belonging to or occupied by a railway company, and used or intended to be used for the purposes of their business as a railway company.

Corporation may manufacture residual products.

35. The Corporation may manufacture, sell, and supply coke, tar, ammoniacal liquor, and all other products resulting from any materials employed in the manufacture of gas, and also meters, tubes, pipes, fittings, and other articles and things connected with the supply and user of gas as they may from time to time think fit.

For application of certain provisions of 34 & 35 Vict. c. 41.

36. For the purposes of the application of the Gasworks Clauses Act, 1871, to the gas undertaking the following provisions shall have effect; (namely,)

1. This Act shall be deemed "the special Act":
2. The land on which alone the Corporation shall manufacture gas or any residual products shall be the lands described in the Third Schedule to this Act:
3. The number of sperm candles shall be sixteen:
4. The testing place shall be the existing testing place at the

works of the Corporation, or such other place as the Corporation may from time to time appoint:

5. The burner shall be a Sugg's London Argand Burner, No. 1, with a six-inch by one-and-three-quarter-inch chimney, but if the flame at any time tail over the top of that chimney a six-inch by two-inch chimney shall be used or other approved burner and chimney capable of consuming five cubic feet of gas an hour:

6. If any person is required by the Corporation to give to them security for the payment of the price of any fittings to be furnished or any labour expended by the Corporation, or in respect of any gas rent, the Corporation shall pay interest after the rate of two pounds and ten shillings 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.

Corporation not to supply in district of St. Anne's Gas Company except in certain events.

39 & 40 Vict. c. xli.

37. The powers of the Corporation for and in relation to the supply of gas shall extend to and throughout the borough; but, notwithstanding anything in this Act contained, the Corporation shall not supply gas within the limits of supply of the Saint Anne's-on-the-Sea Gaslight and Coke Company (Limited), as defined by the Saint Anne's-on-the-Sea Gas Order, 1876, unless at the expiration of twelve months after the passing of this Act the said Company shall have failed to lay down a main from their existing gasworks through Great Marton to the northerly boundary of their said limits of supply near Bellevue Gardens, but in the event of such failure the powers of the said company for the supply of gas within the borough shall, on the expiration of the said period, cease and determine.

Pressure of gas.

38. 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, 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.

A.D. 1879.

Register of meter to be primâ facie evidence.

39. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any consumer supplied with gas by the Corporation and in respect of which any sum of money is charged and sought to be recovered by the Corporation, and shall be conclusive evidence of such quantity, unless it be proved to the satisfaction of the court in which proceedings are taken that the indications of such meter have been falsely taken, or that such meter is by practical testing by competent persons found defective and registering in excess.

Gas consumers to give notice to Corporation before removing.

40. Notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by the Corporation, and notice in writing of the appointment of any trustee in bankruptcy of every such consumer who shall become bankrupt shall be given by such trustee to the Corporation immediately after his appointment, and in default of such notice the consumer so quitting, or the estate of the bankrupt whose trustee shall make such default, as the case may be, shall pay to the Corporation the moneys accruing due in respect of the supply of gas up to the next usual period for ascertaining the register of the meter on such premises.

Maximum price of gas.

41. From and after the passing of this Act, the price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings and sixpence for every one thousand cubic feet of gas supplied.

License for sale out of market.

42. The Corporation may from time to time, if they think fit, grant to any person a license to sell or expose for sale in a place, other than a market-place or market house, or from door to door, any article in respect to the sale or exposure for sale whereof in any market-place or market house, or in respect to 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 authorised 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.

Slaughtering prohibited except in Corporation slaughter-houses when provided.

43. From and after the expiration of one month from the date of the notice by the Corporation that they have provided slaughter-houses, no person shall, except with their consent, slaughter any animal in any place within the borough except in such slaughter-houses, 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 the Corporation shall pay or tender compensation to the owner and occupier of any slaughter-house existing at the passing of this Act, the amount of such compensation in case of dispute to be settled in manner provided by the Lands Clauses Consolidation Act, 1845, for settling cases of disputed compensation.

Power to Corporation to take lands referenced.

44. Subject to the provisions of this Act, the Corporation may enter on, take, and use all or any part of the lands described in the deposited plans and book of reference as they may require for the purposes of this Act.

Correction of errors, omissions, &c.

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

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

46. And whereas in the construction of the improvements and works hereby authorised portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same, and it may happen that such portions can be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands and buildings described in the Fourth Schedule to this Act, and whereof parts only are required for the

A.D. 1879.

purposes of this Act, may (if such portions can in the judgment of the jury, arbitrators, or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof, the Corporation paying for the portions required by them, and making compensation for any damage sustained by the owners thereof, or other parties interested therein by severance or otherwise: Provided that, notwithstanding anything shown on the deposited plans, the Corporation shall not in the widening of Talbot Road remove the front main wall, bay window, or shop front of any house, or enter upon, take, or use any land whereon the same respectively are built or placed, except with the consent of the owners and other persons interested therein, nor shall the Corporation, without the like consent, close up or remove, except for a temporary purpose, any grating of or opening to any cellar forming part of any land or building situate in that road or in Church Street.

Power to stop up footways.

47. The Corporation may discontinue and stop up any footways in or over any lands acquired by them under the powers of this Act and described in the deposited book of reference, and marked on the deposited plans as intended to be stopped up, and thereupon all right of way over such footways shall be extinguished and the soil shall vest in the Corporation if and so far as they are the owners of the adjoining land on both sides.

Limitation of time for compulsory purchase of lands.

48. 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 five years from the passing of this Act.

Power to acquire additional lands by agreement.

49. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or gift any land not exceeding in the whole for the purposes of this Act five acres, and any easement, power, or privilege therein, thereunder, thereover, or thereupon (not being an easement or privilege of water), which shall be deemed necessary by the Corporation, but the Corporation shall not deal with such lands so as to create a nuisance.

Consideration for such acquisition.

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

Power to take easements, &c. by agreement.

51. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Corporation any easement, right, or privilege (not being an easement of water), required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Corporation may use their own lands for purposes of Act.

52. The Corporation may from time to time appropriate and use for any of the purposes of this Act (other than for the manufacturing or storage of gas or the conversion of residual products) any lands for the time being vested in them and forming part of their corporate estates.

Authorising dealings with property of the Duchy of Lancaster.

53. And whereas it is expedient that this Act should contain certain provisions relative to lands, hereditaments, estates, rights, and interests belonging to the Queen's most Excellent Majesty in right of her Duchy of Lancaster (in the rest of this section called "the Duchy") as are herein-after contained: Be it therefore enacted that—

(1.) With respect to any lands belonging to Her Majesty in right of the Duchy which may be required for the purposes of this Act, the following provisions shall (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting in the said last-mentioned lands) have effect; that is to say, the Chancellor and Council for the time being (herein-after called "the Chancellor and Council") of the Duchy may agree with the Corporation for the absolute sale in fee simple of all or any of the said last-mentioned lands, or any part thereof, in consideration of any such gross sum of money, or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge payable by the Corporation, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Corporation, and in case the same lands shall be subject jointly with any other lands to any lease or tenancy for a life or lives, or a term of years unexpired, the Chancellor and Council may agree as well with the Corporation as also with the lessee or tenant for the apportionment of the rent payable in

A.D. 1879.

respect of the lands comprised in such lease or tenancy between the lands agreed to be sold and such other lands; and upon payment of such (if any) agreed gross sum, and upon such (if any) agreed rentcharge being secured in manner herein-after provided, the Chancellor and Council may grant and assure the same lands and the fee simple and inheritance thereof to the Corporation, their successors and assigns, for the purposes of this Act, and (if the same lands shall be subject jointly with any other lands to any such lease or tenancy as aforesaid) may apportion or concur with all other necessary parties in apportioning the rent payable in respect of the lands comprised in such lease or tenancy between the lands so granted and assured and such other lands:

(2.) With respect to any lands being waste or common lands, the right to the soil whereof belongs to Her Majesty in right of the Duchy (subject to rights of common or other rights or easements) which may be required for the purposes of this Act, the following provisions shall have effect; (that is to say,)

The Chancellor and Council may agree with the Corporation for the absolute sale in fee simple of the estate, right, and interest of Her Majesty in the soil of all or any of the same lands, and for the absolute extinguishment of any commonable or other rights to which Her Majesty in right of the Duchy may be entitled in the same lands (other than and besides her said right in the soil of such lands) in consideration of such gross sum of money, or of such annual rentcharge, or in consideration partly of such gross sum and partly of such annual rentcharge payable by the Corporation, and upon such terms and conditions in all respects as shall be settled between the Chancellor and Council and the Corporation:

And upon payment of such (if any) agreed gross sum as last aforesaid, and upon such (if any) agreed rentcharge as last aforesaid being secured in manner herein-after provided, the Chancellor and Council may grant and assure such last-mentioned estate, right, and interest to the Corporation, their successors and assigns, for the purposes of this Act:

Provided that the lands so granted and assured as last aforesaid shall remain subject to all the commonable and other rights (except those of Her Majesty, her

heirs and successors), which immediately before such grant and assurance affected the same until such rights shall have ceased and become extinguished by the payment or deposit of the compensation for the same in manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869: A.D. 1879.

(3.) With respect to any gross sum of money which under this section shall become payable in consideration of any sale, enfranchisement, or release thereby authorised the following provisions shall have effect; (that is to say,)

Each such sum shall be paid into the hands of the Receiver General of the revenues of the Duchy, or of his deputy or deputies, and a receipt shall be given by him or them for the same:

And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase money of lands sold by the Chancellor and Council under the authority of the Duchy of Lancaster Lands Act, 1855; and the Chancellor and Council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under the Duchy of Lancaster Lands Act, 1855, they are entitled to concerning moneys invested in bank annuities under that Act: 18 & 19 Vict. c. 58.

(4.) With respect to any annual rentcharge which under this section shall become payable in consideration of any sale, enfranchisement, or release by this section authorised the following provisions shall have effect; (that is to say,)

Each such annual rentcharge shall be a perpetual rentcharge, and shall be such charge on the tolls or rates payable under this Act, and shall be recoverable in like manner as by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, provided concerning the rentcharges thereby authorised to be granted, and shall, if the Chancellor and Council think fit, be otherwise secured in such manner as may be settled between the Chancellor and Council and the Corporation:

And the same shall be limited to the use of Her Majesty, her heirs and successors, in right of the Duchy, and shall vest in her and them in the same right as fully and effectually as the lands or hereditaments which shall be granted, assured, or released in consideration

A.D. 1879.

of the same annual rentcharge stood vested in her and them immediately before such grant and assurance thereof:

Provided that every such annual rentcharge shall be subject to the same application to all intents and purposes as the rents and profits of the said lands or hereditaments to be granted and assured in consideration thereof would be subject if the same lands or hereditaments had not been so granted and assured:

(5.) Any lands, hereditaments, estate, right, or interest conveyed or assured or released by the Chancellor and Council by virtue of any of the foregoing provisions of this section shall be so conveyed, assured, or released in the name of Her Majesty, her heirs or successors, in right of the Duchy, and by deed or writing under the seal of the Duchy, and every such deed or writing shall be enrolled in the Court of the Duchy of Lancaster within six calendar months from the date thereof.

Power to retain, sell, &c. lands.

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

Proceeds of sale of surplus lands to be treated as capital.

55. The proceeds of the sale of any surplus lands or rents of the Corporation under the powers of this Act shall be applied only to purposes authorised by this Act and to which capital moneys are applicable.

Lands in certain cases not to be sold without consent of Treasury.

56. Except as to lands acquired by the Corporation under this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise without the approbation of the Commissioners of Her Majesty's Treasury, signified in writing after due notice in accordance with the Municipal Corporations Acts, any lands which the Corporation could not have sold, alienated, encumbered, or demised without such approbation before the passing of this Act.

As to street traffic.

57. The following provisions with respect to traffic in the streets of the borough shall have effect; (that is to say,)

The mayor of the borough may from time to time make regulations for the route to be observed by all carts, carriages, horses, cattle, and persons, and for preventing obstruction of the streets in times of holidays, public processions, public meetings, public rejoicings and illuminations, and at such times as the streets are liable to be thronged or obstructed, and give directions to the constables for keeping order, and for preventing noise and obstruction in the neighbourhood of the Town Hall, police court, theatres, and places of public resort:

The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For regulating omnibuses and stage carriages plying in any part of the borough, the places where they shall stand, the route they shall from time to time take through the borough, the conduct of the drivers and conductors thereof, the number and fitness of the animals to be employed to draw the same, and for preventing the overcrowding thereof; but such byelaws shall not apply to any private ground, or within the curtilage or boundary of any railway station or station approaches connected therewith:

For prohibiting entirely or at certain times any cart or carriage from coming into or passing along any street in which any public building is situate during specified hours:

For regulating the speed of carts and carriages during specified hours, and generally for regulating street traffic in the borough:

For regulating the size and construction of advertising vans, and for regulating, and if thought fit, prohibiting the passage through the streets of such as are deemed objectionable by the Corporation:

For prohibiting and regulating the erection of booths, sheds, and erections on the foreshore and sands within the limits of the borough:

And any person guilty of any breach of such regulations, or who does not comply with the direction of any constable or officer acting in pursuance of such regulations, shall be liable to a penalty not exceeding five pounds.

Byelaws.

58. The Corporation may from time to time make byelaws for all or any of the following purposes; (that is to say,)

For prohibiting the washing of windows adjoining any street except between the hours of four and eight in the morning:

For prescribing the times for the removal or carriage through the streets of any fœcal, noxious, or offensive matter or liquid,

A.D. 1879.

and the manner of using, and the construction of any vessel or vehicle used therefor, and to compel the cleansing and the disinfecting of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage:

For appointing and regulating the places where bathing machines, pleasure boats, horses, mules, and donkeys let for hire shall be and be let for hire, and the days and hours when and during which they shall respectively ply for hire; for licensing and limiting their number; for preventing the misconduct and specifying the age and qualification of persons letting, using, attending, or managing the same, and for fixing the rates and fares as well by time as by distance to be paid for the same:

For appointing and regulating the number, age, and qualification of persons in charge of any such boat, and the number of oars and sails, and the description and number of appliances for the preservation of life which any such boat shall carry or use:

For regulating the erection and for the inspection of gipsies tents so as to prevent the overcrowding thereof, and the securing of proper sanitary arrangements in relation thereto:

For prohibiting the erection of hoardings for the exhibiting thereon of advertisements other than hoardings for the exhibition of placards, bills, or other notifications of or relating or with reference to railway traffic, or announcements of a public character to be put up or placed within any railway station, or the curtilage or boundary of any such station or the approaches thereto:

For the preservation of order and good conduct among persons frequenting the parade:

For prohibiting in any public thoroughfare the practice of touting for hotels, lodging-houses, hackney carriages, piers, boats, gardens, and theatres.

Offences.

59. Whoever in any street in the borough shall do any of the following things shall be deemed to have been guilty of an offence within the meaning of section twenty-eight of the Towns Police Clauses Act, 1847, and be punishable accordingly:

Whoever shall knowingly permit any surface water or the drainage from any building or shed to run or flow over any footway:

Whoever shall convey the carcase of any animal not being wholly covered or screened from view:

Every person who without the consent in writing of the owner or occupier thereof shall affix any posting bill or other paper to or against any building, wall, gate, or fence:

Every person who shall cry any advertisement, announcement, article, or thing, not being the person then offering for sale such article or thing, or the crier or bellman of the Corporation:

Every person who shall sound or play upon any musical instrument, or sing near to or within hearing of a house after he shall have been required by the occupier of such house, or by his servant by his order, or by a constable to desist.

Regulating the burning of bricks.

60. Every person who shall within two hundred yards of any dwelling-house situate within or near any street burn any bricks or tiles, except in a brickyard existing at the passing of this Act, shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

Power to vary direction, level, &c. of new streets.

61. The Corporation may vary the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto, or for the purpose of making the same communicate therewith at a more convenient level. Every new street shall be formed at such level as the Corporation in each case determine. The Corporation shall make reasonable compensation to owners and occupiers for any injury sustained by them by reason of the execution of any of the powers of this section.

Crossings for horses or vehicles over footways.

62. Every person desirous of forming a communication for horses or vehicles across any footpath so as to afford access to any premises from a street shall first submit to the Corporation a plan of the proposed communication, showing where it will cut the footpath, and what provision (if any) is made for kerbing and for a paved crossing, and the dimensions and gradients of the necessary works, and after having obtained the sanction of the Corporation may execute the works at his own expense under the supervision and to the satisfaction of the surveyor, and not otherwise, and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such a communication as aforesaid has been so made he shall be liable to a penalty not exceeding five pounds.

Waste land to be fenced.

63. If the owner or occupier of any vacant or waste land allows the same to remain unfenced, or the fence thereof to continue out of repair after the expiration of fourteen days notice from the surveyor of the Corporation, they may cause such land to be fenced or such fences to be repaired, and the expense thereby incurred shall be recoverable from such owner or occupier as damages, or as private improvement expenses may be recovered.

A.D. 1879.

Power to regulate materials and workmanship.

64. The Corporation shall have control over the materials (including mortar, cement, and concrete) and workmanship employed in every new building, and may reject or disapprove of such materials or workmanship if the adoption or continuance of the same is in their opinion likely to prove prejudicial to the stability of the building or to the health of the inhabitants thereof; and if any person uses or continues to use any materials or workmanship so rejected or disapproved he shall be liable to a penalty not exceeding fifty pounds: Provided always, that this section shall not apply to buildings belonging to any railway company, and used for the purposes of such railway under any Act of Parliament.

As to soil, pipes, &c.

65. No house drain or pipe in a building, whether erected before or after the commencement of this Act, shall be directly connected with any drain or sewer without being trapped and ventilated in a manner to be approved by the Corporation, and every person who shall offend against this enactment shall for every such offence be liable to a penalty not exceeding twenty shillings, and to a further penalty not exceeding ten shillings for every day such offence shall continue after conviction therefor and a reasonable time for making the alteration required shall have expired: Provided always, that with respect to a building erected before the commencement of this Act the above penalties shall not be enforced unless default has been made in complying with a notice from the Corporation containing a requirement in relation to such pipes or the trapping or ventilating of such drain.

Certificate of fitness for habitation.

66. Any new building shall not be occupied as a dwelling-house until the drainage thereof has been completed, nor until the building has after examination been certified by the surveyor or a person appointed by the Corporation by writing under his hand to be fit for human habitation, but if the surveyor, or such person as aforesaid, for seven days after notice in writing to him fails to make such examination nothing in this section shall prevent the building from being so occupied. If any person as owner lets as a dwelling-house any new building before the same is so certified, or before the expiration of the said seven days, or after the certificate has been refused, he shall be liable to a penalty not exceeding fifty pounds, and to a daily penalty not exceeding ten pounds.

Prevention of lock-up, shops, &c. being used for habitation.

67. Where in the plan of a building submitted to and approved by the Corporation a building is described as a lock-up, shop, workshop, shed, or place of business, the use thereof, or of any part thereof, for the purposes of habitation by any person other than a person placed therein to take care thereof shall be an offence against this Act, and shall be deemed to be committed on the day

when the user thereof is first detected. Every person so using the same, or knowingly permitting the same to be so used, shall be liable to a penalty not exceeding twenty pounds, and also to a daily penalty not exceeding five pounds. The mayor for the time being of the borough may from time to time by warrant under his hand authorise any sanitary officer to enter into at any time and examine any building suspected of being so used; if any person obstructs an officer so authorised in his entry or examination he shall be liable to a penalty not exceeding five pounds.

Approval of plans.

68. The approval of any plan by the Corporation shall, if they so determine, cease to operate in the following cases after the following dates from the time of such approval; (that is to say,)

In the case of a street, after two years;

In the case of a new building, after one year;

and at the expiration of those respective periods fresh notice and approval shall, unless the Corporation otherwise determine, be requisite.

The Corporation may attach to their approval of the plans and sections of any new building any condition which they deem proper as to alterations in or additions to the sanitary arrangements of such building, or in the case of dwelling-houses any restrictions as to the number of separate dwellings for which the same may be used, and the plans, with such alterations and additions, shall be deemed to be the plans approved by the Corporation.

Nothing in any approval by the Corporation of the plan of an intended new street or new building shall be taken to authorise the construction of the street or building, or the doing anything relative thereto or in connexion therewith in any manner contrary to any enactment or byelaw at the date of such approval in force in the borough.

Corporation may alter, &c. buildings contrary to Act.

69. It shall be lawful for the Corporation, after giving fourteen days notice to the owner and occupier (if any), to cause any building or part thereof which is hereafter built or rebuilt contrary to the provisions of this Act, or of any byelaw in force within the borough, or the part so built or rebuilt of any building to be taken down and rebuilt or altered according to the provisions of this Act or such byelaw, and the expenses of and attending the same shall be repaid to the Corporation by the owner; provided that if any such building or part of a building shall have been built or rebuilt in accordance with plans and sections approved by the Corporation in that behalf the said expenses shall be paid by the Corporation.

A.D. 1879.

Cutting into work for inspection.

70. In order the better to ascertain whether the provisions for the time being in force in the borough with respect to new buildings have been complied with, the surveyor may at any time during the progress of any excavation or of any new building, or of any alteration of or addition to any building, or of any rebuilding, enter upon and inspect the same respectively, and for that purpose may cut into any work when it shall be necessary to do so for the purpose of ascertaining whether such provisions have been complied with, and if the surveyor shall discover any particular in which the work is not in compliance with any of such provisions he shall give notice thereof in writing to the owner, contractor, or master builder, or other person in charge of or by whose order or under whose superintendence such work is being executed, and require him to amend or alter the same in conformity with such provisions, and thereupon such owner, contractor, master builder, or other person shall forthwith cause the same to be amended or altered accordingly: Provided that if any such work shall be so cut into as aforesaid, and the same shall thereupon be found to be constructed in conformity with such provisions, the cost and expenses of so cutting into such work and of repairing the damage thereby incurred shall be paid by the Corporation, but if such work shall be found not so in conformity all such costs and expenses shall be paid by such owner, contractor, or master builder, and may be sued for and recovered by the Corporation from such owner, contractor, or master builder, as they may elect in like manner as penalties under this Act may be sued for and recovered.

Corporation may alter, &c. works improperly executed.

71. If the work of any street or building be commenced before deposit of the plans for the same in accordance with any enactment or byelaw for the time being in force in the borough, or be commenced after notice of the disapproval thereof by the Corporation, or before the time within which the same may be disapproved by the Corporation after deposit of the plans for the same (unless such plans shall have been approved), or be continued or recommenced without a fresh deposit and approval of plans as required by any such enactment or byelaw, or be in any respect not in conformity with the approved plans, or whenever by any enactment for the time being in force in the borough, or any byelaw, notice, or order of the Corporation thereunder, 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 any such enactment,

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 deemed private improvement expenses, and may be recovered by the Corporation accordingly, or from 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 such enactment or byelaw.

What to be deemed new buildings.

72. From and after the passing of this Act—

Any building pulled down to within ten feet of the surface of the adjoining ground, and any frame building so far pulled down as to leave the framework of the ground floor story thereof, and re-erected wholly or partially on the same site;

Any building not originally constructed for human habitation but converted into a dwelling-house; and

Any buildings originally constructed as one dwelling-house but converted into more than one,

shall be deemed a new building.

Removal of urinals.

73. The Corporation may order the owner or occupier of any building or lands to remove any urinal belonging thereto so situated or constructed as to be a nuisance or offensive to public decency, or otherwise objectionable, and if any person fails in any respect to comply with this section he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him.

Power to establish temporary hospitals, &c.

74. In the event of the prevalence in the borough of any contagious or infectious disease the Corporation may, if they think fit, establish a temporary hospital or ward for the treatment of the disease, and provide proper fittings, furniture, conveniences, medical appliances, and other things necessary or proper for the hospital or ward, and engage nurses for the service of the same.

Notice to be given of persons suffering from certain diseases.

75. 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 small-pox, infectious cholera, measles, typhus, typhoid, scarlet, relapsing, or puerperal fever, or diphtheria, the following provisions shall have effect; (that is to say,)

If any such inmate be suffering from any such disease as aforesaid, the occupier or person having the management or control of such building (or if such occupier or person be prevented by reason of such disease, then the person in charge of such

A.D. 1879.

inmate) shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the medical officer of health of the Corporation at his residence or office of the existence in such inmate of such disease:

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:

The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate or declaration to be made 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:

Every medical practitioner attending on or called in professionally to visit such inmate shall, on becoming aware that such inmate is suffering from any such disease as aforesaid, forthwith fill up, sign, and send to the medical officer of health of the Corporation at his residence or office a certificate or declaration 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:

The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration, but only one such certificate need be given, and only one such fee shall be payable within an interval of thirty days to the same medical practitioner 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 ten pounds.

Power to license dealers in marine stores.

76. The Corporation may from time to time grant to every such person, as they think fit, a license to carry on the following businesses, trades, or callings; (namely,)

The business of a dealer in marine stores or in old metals within the meaning of enactments relating to dealers of those classes respectively;

The trade or calling of a shoeblack, waterman, hawker of coal or meat, bill sticker, or commissionaire;

and may charge a fee not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period, and with respect to such persons and their licenses the Corporation may from time to time make byelaws for all or any of the following purposes; (namely,)

Power to make byelaws as to dealers in marine stores.

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

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

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

For regulating the conduct of and the prices to be charged by the persons following the trade or calling of a shoeblack, waterman, or commissionaire, and the places in which they shall follow the same, and determining what badge (if any) such persons respectively shall wear.

License may be suspended or revoked.

77. Any such license may be suspended or revoked by any justice before whom the person licensed is convicted of any offence making it in the opinion of any such justice expedient that such license should be suspended or revoked.

Penalty on persons carrying on business without license.

78. If any person after the expiration of one month from the commencement of this Act carries on while unlicensed the business of such a dealer as aforesaid he shall be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for every day during which such offence continues after the time when the first penalty is adjudged, and every person who shall after such period of one month carry on or follow such trade or calling while unlicensed shall be liable to a penalty not exceeding one pound, and to a daily penalty not exceeding ten shillings.

Porters carts.

79. The provisions of the Towns Police Clauses Act, 1847, with respect to hackney carriages, shall, so far as they are applicable, extend and apply, mutatis mutandis, to porters carts, and to the drivers, conductors, and attendants of porters carts and of omnibuses, and to the Corporation in relation thereto.

What to be deemed private improvement expenses.

80. The expression "private improvement expenses" shall mean and include all private improvement expenses expressly so called, and all other expenses at any time incurred by the Corporation for the repayment whereof the owner of the building or lands in respect

A.D. 1879.

whereof such expenses may have been or may be incurred is liable under any enactment or byelaw, or under any agreement with or by reason of any application of such owner.

Recovery of private improvement expenses.

81. If any private improvement expenses be not paid on demand, the Corporation may, if they think fit, in addition to any other power they may have for the recovery thereof, recover the same, with interest thereon from the date of such demand at a rate to be determined by the Corporation not exceeding five pounds per centum per annum, either as a debt from such owner in any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner, after duly summoning such owner, and any justice may issue his warrant accordingly.

Private improvement expenses to be a charge on lands as if mortgaged.

82. All private improvement expenses, with such interest thereon as aforesaid, and every rate made for the payment thereof, shall be a charge on the building or lands to which the same relate, in priority to any incumbrance or charge on or affecting the same and created subsequently to the day on which the Corporation shall have commenced to execute the works on account of which those expenses shall be payable, and the Corporation shall have the like rights and remedies in respect of such charge as if they were mortgagees with power of sale of such building or lands for the amount of such charge.

Power to enter into possession, &c. where owner fails to pay his private improvement expenses.

83. If the owner of any building or lands so charged with any private improvement 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 against such owner 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 on such owner, or in the case where such owner is unknown or cannot be found after the expiration of one month from the affixing of a notice on some conspicuous part of the said building or land 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 rent and profits of such building or lands, and in case of nonpayment may use all or any such lawful remedies by way of 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, or of any officer of the Corporation appointed in that behalf, shall be and shall alone be an effectual discharge for the same:

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, inclose, and use the same, or any part thereof:

3. The Corporation may from time to time let from year to year or for any shorter period any such unoccupied or unproductive building or lands, or any part thereof, and receive the rents and profits thereof as if they were the owners thereof.

Application of rents and profits received.

84. 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 any chief rent payable in respect of the building or lands:

2. There shall be paid thereout all taxes, rates, assessments, expenses of repairs, and other outgoings properly payable by the owner in respect of the building or lands except any chief rent, and all expenses incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such private improvement or other expenses as aforesaid:

3. There shall be paid the interest on all mortgages created prior to and subsisting at the date when the Corporation commenced the works on account of which private improvement expenses shall be payable; provided that in case any such mortgage shall include other property a portion only of the interest on such mortgage shall be paid proportionate to the value of such building and lands, such portion to be agreed on between the mortgagee and the Corporation, or failing such agreement to be determined by two justices:

4. There shall be retained on behalf of the Corporation the

A.D. 1879.

amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of such private improvement expenses as aforesaid and interest in respect of the same building or lands, or any other building or lands in the same or any other street:

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

6. Upon satisfaction of the private improvement expenses, and all moneys payable under this section, the Corporation shall cease (if in occupation) to hold possession of such building or lands, and if the same be let shall forthwith give due legal notice to determine the tenancy thereof.

Right of Corporation to rents to exclude that of owner, &c.

85. Whenever the Corporation so enter into the receipt of the rents and profits, or into possession of any such building or lands, then for and in respect of the period during which their claim against the owner is unsatisfied, as well after the termination of that period as during its continuance, the owner of the building or lands shall not have any right to receive any rents or profits of the building or lands, or have any interest therein, except under the provisions of this Act directing the application of rents and profits received by the Corporation, and for and in respect of the period aforesaid, as well after its termination as during its continuance, every or any such right shall as against any lessee of the building or lands, or other person taking through or under the Corporation, be by virtue of this Act absolutely extinguished.

Persons having partial interests may raise expenses by mortgage.

86. All owners of buildings or lands being tenants for life only, and all committees of the estates of lunatics, and all trustees seized, possessed of, or entitled to any estate or interest either at law or in equity in any buildings or lands for or on behalf of any person or charity (all of whom are in this section included in the expression "mortgagor"), may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any private improvement expenses which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge and for securing the repayment of such sum, with interest, may mortgage such buildings or lands for the term of twenty years 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 assigned 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 down the interest of the money to be secured during his life, or the continuance of his interest therein, as

the case may be, and to set aside during such life or continuance, as the case may be, 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 buildings 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 mortgagor 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 mortgagee and his representatives and assigns shall have the like remedies in case of nonpayment of the moneys thereby secured as in the case of other mortgages of the like nature. If the mortgagor 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 mortgagee would have under this section, and a certificate of such advance or payment under the hands of the treasurer of the Corporation shall be conclusive proof of the rights of such mortgagee to the extent of the amount certified for under this section.

Public bands advertising, &c.

87. The Corporation may from time to time pay or contribute towards the payment of a public band of music for the borough, and also the cost of maintaining at railway stations and other public places advertisements stating the attractions and amusements of the town; provided that the amount of such payments or contributions do not in any year exceed the rate of twopence in the pound on the rateable value of the borough.

Protection of bathers.

88. The Corporation may license and, if they think fit, pay boatmen for the purpose of protecting persons whilst bathing.

Reserve fund for sea wall.

89. The Corporation may in every year appropriate and set apart out of their revenue any sum not exceeding in any one year one penny in the pound on the rateable value of the borough, and invest the same in any manner in which they are authorised to invest a sinking fund, and accumulate the same at compound interest until the fund so formed amount to the sum of five thousand pounds, which sum shall form a reserve fund to meet any extra-

A.D. 1879.

ordinary claim or demand arising from accident to the sea wall of the borough commonly known as the Hulking, and if such sum be at any time reduced it may be again made up to the said sum, and so from time to time as such reduction shall happen; provided that so long as the reserve fund shall continue at the said sum of five thousand pounds the annual interest thereof shall be paid to the credit of the district fund.

Power to borrow.

90. The Corporation may from time to time, in addition to any moneys they are now authorised to borrow, or which they may be authorised to borrow under the provisions of the Public Health Acts, or any public general Act, borrow at interest on the following securities, and for the following purposes, the following sums; (that is to say,)

For gas purposes, on security of the gas revenue and district fund and general district rate, thirty-six thousand pounds;

For new streets and roads, and street and road improvements, and Spen Dyke diversion, on the security of the district fund and general district rates, one hundred and seventy thousand pounds;

and in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned, and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Public Health Act.

As to sinking funds

91. In order to discharge the principal moneys already borrowed, and now owing or hereafter to be borrowed under the powers of any Act of Parliament, the Corporation shall in every year after the first day of March one thousand eight hundred and eighty, out of the revenue funds or rates on the security of which such moneys have been or may be respectively borrowed, appropriate and set apart sinking funds which may be accumulated at interest in the hands of the bankers of the Corporation until they shall have amounted to the sum of five thousand pounds, and so soon as the same shall have so accumulated shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages, debentures, debenture stock, or annuity certificates granted or issued under any Act under which the Corporation are authorised to borrow money, and the sums of money so to be appropriated and set apart shall be such as will, with the accumulations thereof in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed in the following periods; that is to say,

As to moneys already borrowed, in fifty years from the twenty-fifth day of March one thousand eight hundred and eighty; and

As to moneys to be from time to time borrowed after the passing of this Act, in fifty years from the date of the borrowing of such moneys respectively:

The appropriation for the said sinking funds shall commence at the following periods; (namely,)

For repayment of moneys borrowed and now owing, from the twenty-fifth day of March one thousand eight hundred and eighty:

For repayment of moneys to be borrowed after the passing of this Act, on the twenty-fifth day of March next following the time of the borrowing of such moneys:

Provided as follows; (that is to say,)

Every sinking fund existing at the passing of this Act shall be transferred to the corresponding sinking fund to be accumulated under this Act for the like purpose:

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper: Provided that in such case they pay into such sinking fund in each year afterwards, and accumulate as herein-before prescribed, until the whole of the borrowed moneys to which such sinking fund is applicable are discharged or redeemed, a sum equal to the interest produced by the sinking fund, or part thereof so applied, such interest to be calculated at the average rate of interest payable by the Corporation in such year on the whole debt of the Corporation: Provided also, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such mortgages then outstanding, the Corporation may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto:

Any mortgages, debentures, debenture stock, or annuity certificates granted or issued by the Corporation, and in or upon which they shall invest any sinking fund, shall upon such investment be ipso facto cancelled.

Annual return to Local Government Board with

92. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for any sinking fund under this Act, transmit to the Local Govern-

A.D. 1879.

respect to sinking funds.

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

Power to re-borrow.

93. If the Corporation pay off any moneys otherwise than by means of a sinking fund, or out of the proceeds of the sale of land acquired under the powers of this Act, or any of their former Acts, they may re-borrow the same, and so from time to time: Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term for which the original loan is sanctioned.

Priority of existing mortgages.

94. Nothing in this Act shall prejudicially affect any charge on the corporate estates, or on any undertaking or fund of the Corporation, or on any tolls or rates receivable or leviable by them by way of mortgage, or otherwise subsisting at the passing of this Act, and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed, and all such charges created before the passing of this Act shall, during the subsistence thereof, have priority over any mortgage or charge granted or created under this Act on the same security.

As to appointment of receiver.

95. Section ninety-six (receivers for mortgagees) of the Act of 1853 is hereby repealed without prejudice to any appointment made or proceedings taken thereunder prior to the passing of this Act,

and the mortgagees of the Corporation may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Corporation not to regard trusts.

96. The Corporation shall not be bound to see to the execution of any trust, whether expressed or implied or constructive, to which any loan or security for loan given by them may be subject, but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof, notwithstanding any trusts to which such loan or security may be subject, and whether or not the Corporation have had express or implied notice of any such trust, or of any charge or incumbrance upon or transfer of such loan or security, or any part thereof, or interest thereon 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, mis-application, or non-application of any of such money.

Provisions as to coupons for interest on mortgages.

97. With respect to coupons for interest on mortgages the following provisions shall have effect; (that is to say,)

1. The Corporation may from time to time, if they think fit, issue to holders of mortgages of the Corporation coupons for the interest from time to time to fall due on such mortgages, which coupons may be in such form as the Corporation from time to time think fit, and may be made payable to the bearer of each coupon, or to the person named therein, or his order:
2. Every coupon shall refer to the mortgage to which it relates and specify the amount and time of payment of one half year's interest to fall due on the principal money secured by such mortgage:
3. On presentation to the treasurer of any such coupon he shall pay to the person presenting the same the amount of interest in such coupon specified to be payable:
4. When a coupon payable to order purports to be indorsed by the person to whose order the same is payable, such indorsement shall be a sufficient authority to the treasurer to pay the same to the bearer thereof:
5. The coupon shall be accepted in the audit of the accounts of

A.D. 1879.

the treasurer as a voucher for the payment of the sum for which the coupon was issued:

6. The treasurer shall not be bound to pay any coupon unless upon its presentation there be money of the Corporation in his hands applicable in that behalf.

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

98. The Corporation may, if they think fit, borrow any moneys which they are by either of their former Acts, or by this Act, authorised to borrow under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of either of their former Acts by the Corporation shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of such last-mentioned Acts, and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act, 1875. Every such loan shall be discharged within the time prescribed in that behalf by this Act, and such discharge, or any part thereof, shall be effected by means of a sinking fund, if the Corporation (shall so think fit: Provided always, that if the Corporation at any time think fit to form any such sinking fund all sums paid into the same shall be, as soon as may be, invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested. The forms set forth or referred to in the Sixth Schedule to this Act may be used by the Corporation for the purposes of the Local Loans Act, 1875.

Special district rate abolished. 11 & 12 Vict. c. 63.

99. From and after the passing of this Act, the special district rate levied on a portion of the existing borough in pursuance of section eighty-six of the Public Health Act, 1848, shall not be levied, and the costs, charges, and expenses for which such rate is leviable shall be paid out of the general district rates. From and after the passing of this Act, all expenses incurred by the Corporation in carrying into execution the provisions of their former Acts, and of this Act (except such of them as are to be paid out of borrowed money, and except parade expenses and private improvement expenses), shall be paid as follows; (that is to say,)

Sanitary expenses, gas expenses, and market expenses, out of the district fund and general district rates;

All other expenses out of the borough fund:

And all mortgages of the Corporation granted on the security of the special district rate or the gas rates, and now subsisting, shall be deemed to be mortgages of the general district rates, and shall have priority over all mortgages granted by the Corporation under

the powers of this Act on the security of those rates, and sections 87 to 93, both inclusive, of the Act of 1853 are hereby repealed.

As to parade expenses.

100. All moneys received by the Corporation for or in relation to the parade shall be carried to the credit of the Blackpool Parade Account, and shall be applied, so far as they extend, to the payment of parade expenses, and any expenditure incurred for parade purposes beyond the amount of such moneys shall be paid out of the general district rates.

Separate accounts for sanitary purposes, &c.

101. The Corporation shall keep separate accounts on capital and revenue account of receipts and expenditure for sanitary purposes, gas purposes, and market purposes, provided that when any expenditure is incurred for purposes common to two accounts the Corporation may apportion the same between such accounts in such manner as they deem equitable. The net profits on the gas and market accounts shall be applicable to the payment of any charges or expenses for the time being payable out of the borough fund, or the district fund, or the general district rate in respect thereof, or in such other manner as the Corporation think best for the improvement of the borough and the public benefit of the inhabitants.

Buildings erected since last valuation list may be valued and rated.

102. And whereas, owing to the rapid extension of buildings in the borough, it happens that between the making of the last valuation list, or of the last rate for the relief of the poor (in this section called the poor rate), as the case may be, and the making of the next assessment for rates leviable by the Corporation, many new buildings have been erected which cannot therefore be included by the Corporation in such rates: Therefore the following provisions shall have effect; (that is to say,)

(1.) If after the making of the valuation list, or if there be none, then after the making of the last poor rate and before the making of the next following rate by the Corporation, any building be newly erected which would be assessable to the poor rate the Corporation may cause such building to be valued by a competent valuer, and the Corporation may in making the assessment for their said next rate include such building therein:

(2.) For the purpose of every such valuation the valuer, with his assistants, may at all reasonable hours until the same is completed enter and survey all and every part of the property to be valued, and do any act or thing necessary for the making of such valuation, and the valuer may accept any valuation tendered to him which he may consider just and true:

A.D. 1879.

(3.) If any person think himself aggrieved by any rate made on the basis of such valuation he may at the first meeting of the Council held after the publication of such rate, after giving three days notice in writing to the Corporation, apply to the Corporation for relief, and they may grant such relief as they may think right, and may amend such rate accordingly:

(4.) This section shall not apply to any building belonging to or occupied by a railway company, and used or intended to be used exclusively for the purposes of their business as a railway company.

Poor rate books may be inspected by Corporation.

103. The Council may cause all or any of the books or assessments of rates for the relief of the poor within the borough, or the valuation lists for the townships wholly or in part within the borough, to be produced before them or their proper officer at their office once in every year on seven days previous notice in that behalf in writing to the clerk to the guardians, and at the office of the said clerk at all reasonable times, and may cause a copy thereof, or of any part thereof, to be taken without payment, and if any person in whose custody or power any such book, assessment, or valuation list is or ought to be fails when required to attend therewith, or to permit the Council to take a copy thereof, or of any part thereof, he shall be liable to a penalty not exceeding fifty pounds.

Assessments to poor rate in added part of townships to be separate.

104. The overseers of all townships part of which only are within the borough shall in making any assessments of rates for the relief of the poor after the passing of this Act keep that portion of their assessment which relates to property within the borough separate and distinct from the other portion outside the borough, and in default thereof shall be liable to a penalty not exceeding fifty pounds.

Rates may be prospective or retrospective.

105. The Corporation may make any rate prospectively in order to raise money to pay expenses to be incurred after the making of the rate, or retrospectively in order to raise money to pay expenses incurred before the making of the rate whether before or after the commencement of this Act, or partly prospective and partly retrospective.

As to rate in Marton.

106. With respect to rating in that part of the township of Marton which is added to the borough, the following provisions shall for the period of three years next following the twenty-fifth day of March one thousand eight hundred and seventy-nine have effect; that is to say,

1. The Corporation in addition to all other rates may from time

to time make, assess, levy, collect, and recover a district rate (to be called the Marton district rate), to provide for the payment during that period of the annual interest on the moneys expended on capital account in sewering and lighting the said portion of Marton, and for the annual cost of lighting the said portion during the said period:

2. The annual amount of all rates to be levied by the Corporation in the said portion of Marton during the said period, in addition to the Marton district rate, shall not exceed the sum of one shilling and eightpence in the pound on the full assessable value of all rateable property therein:

3. The provisions for the time being during that period in force within the borough with respect to the making, assessing, levying, collecting, and recovering of rates shall, so far as the same are respectively applicable, and subject to the provisions of this section, extend and apply to and in relation to the Marton district rate.

Owner may be rated instead of occupier in certain cases.

107. The owner instead of the occupier of property, the rateable value of which does not exceed twelve pounds, may from time to time at the option of the Corporation be rated to any rate made by them, and the owner so rated shall be entitled to a deduction of ten per centum upon the rates when paid by him if he shall pay the same within twenty-one days after the same shall have been demanded: Provided also, that where an owner pays any rate to the Corporation the occupier shall, in the absence of any agreement to the contrary, repay him the amount thereof, and such amount if not so repaid on demand may be recovered as though the same were arrears of rent owing by such occupier to such owner.

Power to levy rates by instalments.

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

Extending time for summary recovery of rates, &c.

109. Proceedings in a court of summary jurisdiction for the recovery of moneys payable for private improvement expenses, and for the recovery of gas rents, and any rate payable to the Corporation may be commenced at any time within twelve calendar months from the time when demand thereof is first made or served by the

A.D. 1879.

Corporation by or upon the person against whom such proceedings are taken.

Borough rate may be levied with district rates.

110. The Corporation may, if they think fit, make, assess, levy, collect, and recover the borough rate in the same manner as and with and under the same provisions (except as to exemptions from and reductions in the assessment) with which they make, levy, assess, collect, and recover the general district rates, and they may make, assess, levy, collect, and recover the general district rate in the same manner and with and under the same provisions with which they may make, assess, levy, collect, and recover the borough rate, but subject to the exemptions from and the reductions in the assessment to which the general district rate is for the time being liable, and they may so make, assess, levy, collect, and recover the same rates either as separate rates or together. Any such rate or rates so made may be in the forms given in the Seventh Schedule to this Act, or to the like effect, and the demand note for the same may include both such rates.

As to appeal.

111. Any person deeming himself aggrieved by any order or determination of the Corporation, or of any officer or valuer of the Corporation, or by any conviction or order made by a court of summary jurisdiction under any provision of this Act, may appeal (but in cases where application for relief is authorised to be made to the Corporation, then only after such application) to the next practicable court of quarter sessions under and according to the provisions of section two hundred and sixty-nine of the Public Health Act, 1875.

Accounts may be made up to 26th March.

112. The Corporation may, if they think fit, cause the financial year for all or any of the matters under their administration to commence on the twenty-sixth day of March, and the accounts thereof to be made up annually to the twenty-fifth day of that month; provided that the Local Government Board may upon the application of the Corporation alter these dates.

Deputies may be appointed by town clerk, &c.

113. The town clerk, the treasurer, and the surveyor respectively may from time to time, with the approval of the Corporation, appoint a deputy and delegate to him the performance of all or certain of the duties of the office to which such town clerk, treasurer, and surveyor is appointed, and the acts of such deputy within the terms and during the continuance of such appointment shall be valid accordingly.

Town clerk may take proceedings in bankruptcy.

114. The town clerk may institute and prosecute all such proceedings in bankruptcy under the Bankruptcy Act, 1869, or any Act amending or substituted for the same, as may be necessary to

procure to be adjudged a bankrupt any person against whom the Corporation may have any claim or demand as though such claim or demand were the claim or demand of the town clerk and not of the Corporation. A.D. 1879. 32 & 33 Vict. c. 71.

Form and service of notices by Corporation.

115. Section seventy-three of the Act of 1853 is hereby repealed. Any instrument (including a notice, order, resolution, declaration, adjudication, requisition, consent, approval, disapproval, demand, determination, appointment, or other document) made, given, delivered, or served under this or any other Act or any byelaw by the Corporation may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and shall be sufficiently authenticated by the name of the town clerk, of the treasurer, or of the surveyor or other proper officer (according to the subject of the particular instrument) being affixed thereto in print or in writing (including lithograph), or by a stamp on behalf of the Corporation, and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any property to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which it is given or served without further name or description, and any such instrument may be addressed to owners or occupiers of any number of adjoining or neighbouring properties collectively, and when so addressed may be served on more owners or occupiers than one (so that separate copies be served on the respective owners and occupiers of the several properties concerned), and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate of his last known or usual place of abode or business, or in case of an occupier of such property (being a building) to any inmate of such building, or if the property is unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it, or a copy thereof, upon some conspicuous part of such property. Any instrument so served by post as aforesaid shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the instrument was properly addressed and posted: Provided always, that in the case of a railway company any such instrument shall be delivered or sent by post addressed to the secretary to the company at their principal office or place of business.

A.D. 1879.

General provisions as to byelaws.

116. All byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-seven (both inclusive) of the Public Health Act, 1875; provided that all byelaws may be partly in print and partly in writing (including lithograph).

Paid auditors.

117. The Corporation may from time to time appoint and pay a competent person to act as auditor of the accounts of the Corporation in addition to, and to act either along with or apart from the auditors appointed under the Municipal Corporations Acts, and all such accounts shall be audited once only in every year, namely, in the month of April, and the abstract of accounts referred to in section ninety-three of the Act of five and six William the Fourth, chapter seventy-six, shall be made out, printed, and delivered in the same month only.

Compensation how to be determined.

118. When any compensation, costs, damages, or expenses is or are by this Act directed to be paid, and the method for determining the amount thereof is not otherwise provided for, such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Acts.

Compensation may be in land, &c.

119. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works, land, or money.

Saving from effect of repeal.

120. The repeal by this Act of any enactment shall not, unless so expressly provided, affect the validity, invalidity, effect, or consequence of anything already done or suffered, or any existing status or capacity, or any right acquired or accrued, or any debt owing to or by the Corporation, or any penalty incurred, or any remedy or proceeding in respect of such right, debt, or penalty, or the proof of any past act or thing.

As to electric lighting.

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

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

(2.) During a period of five years from the first day of September

one thousand eight hundred and seventy-nine, and for the purposes of lighting streets and places of public resort, but for no other purpose, it shall be lawful for the Corporation within the borough to produce and supply light by means of electricity, and for that purpose to exercise any of the powers herein-after in this section mentioned and subject to the provisions herein-after in this section contained; (that is to say,)

(i.) For any of the purposes of this section they may use any lands for the time belonging to or held on lease by them, and not by any Act specifically appropriated to any other purpose, or may purchase by agreement and take on lease any lands:

(ii.) They may upon any such lands erect and maintain any necessary workshops, engine-houses, store-houses (including places for storing electricity for producing light), or other buildings necessary for any of the purposes of this section:

(iii.) They may manufacture, buy, or hire, and may use and may supply, sell, or let any machinery, steam engines, gas engines, or other apparatus (including meters and fittings) necessary for the purposes of this section:

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

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

(vi.) They may exercise for the purposes of this section in the whole or any part of the borough as to electric lighting any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to municipal corporations or the Public Health Act, 1875, for lighting by oil or gas:

(vii.) They may exercise for the purposes of this section as to electric lighting any of the powers which under the provisions of any Act incorporating the

A.D. 1879.

Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers:

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

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

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

3. The provisions of this section shall extend to and in relation to the production and supply by the Corporation of heat or motive power by application of the electricity by which they produce or supply light under the provisions of this section, and such application is included in the expression electric lighting:

For protection of postal telegraphs.

4. Before laying any wires or mains, or doing any works for the purposes of this section, the Corporation shall give to the Postmaster General fourteen days notice thereof, and shall conform to such reasonable regulations or orders as may from time to time be made by the Postmaster General for the protection of the wires or working of any telegraphs under his control from being injuriously affected by reason of the works to be executed under this section: Provided that if any difference arises between the Postmaster General and the Corporation with respect to any such regulation or order, such difference shall, on the request of the Postmaster General or of the Corporation, be determined by some person or persons to be nominated from time to time for this purpose by the Board of Trade:

Expenses to be charged on the district fund.

5. All expenses from time to time incurred by the Corporation in carrying this section into effect shall be charged on and all receipts received by the Corporation under this section shall be carried to the credit of the district fund:

Power to borrow money.

6. The Corporation may from time to time for the purposes of this section borrow at interest on the security of the

district fund and general district rates such sum or sums as the Corporation from time to time find requisite, not exceeding in the whole the sum of five thousand pounds, and they may mortgage the said fund and rates as a security for the repayment of money so borrowed with interest accordingly. The provisions of this Act relating to the borrowing, re-borrowing, and repayment of borrowed moneys shall extend and apply, *mutatis mutandis*, to the moneys borrowed under the powers of this section, except that the period for the repayment of such moneys shall be ten years :

Application of revenue.

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

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

Secondly, in payment of the working and establishment expenses and cost of maintenance of their electric lighting undertaking :

Thirdly, in payment of the interest on money borrowed under this section :

Fourthly, in providing the requisite instalments or sinking fund under this section :

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

A.D. 1879.

pounds, and so from time to time as often as such reduction happens:

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

Application of money borrowed.

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

Provision as to general Acts.

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

Corporation not to be exempted from proceedings for nuisance.

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

Saving rights of the Duchy of Lancaster.

122. Nothing contained in this Act shall extend or operate to authorise the Corporation to take, use, enter upon, or in any manner interfere with any land, soil, water, or hereditaments, or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of her Duchy of Lancaster, without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give), or take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors, in right of her said Duchy.

As to future accretions.

123. If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, or by any other means cease to be subject to the flow and reflow of the ordinary tides, or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise), the Corporation shall not by virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate, right, or interest in or to the land so raised in height or reclaimed, or ceasing to be so subject, or to be so covered as aforesaid, by reason that such raising, reclamation, or cessor has been gradual or imperceptible, or has been wholly or partially caused either by the works by this Act authorised or otherwise.

Saving rights of Crown under

124. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the

subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

29 & 30 Vict. c. 62.

Saving rights of John Talbot Clifton.

125. Nothing in this Act contained shall derogate from or prejudice any right or privilege of John Talbot Clifton, the lord of the manor of Layton, nor authorise the Corporation to acquire or use any land belonging to him, and situate in Whitegate Lane and Layton Road for the purpose of building upon, or for any other purpose than that of widening, straightening, or improving any road or roads by this Act authorised to be widened, straightened, or improved.

Saving rights of Blackpool Pier Company.

41 & 42 Vict. c. lxxxii. 26 & 27 Vict. c. 104.

126. Except as in this Act expressly enacted, nothing in this Act shall take away, abridge, or interfere with any of the rights, powers, authorities, and privileges of or belonging to or exerciseable by the Blackpool Pier Company, by virtue of the Blackpool Pier Act, 1878, and the Blackpool Pier Order, 1863, therein recited, or either of them.

Saving rights of South Blackpool Jetty Company (Limited).

29 & 30 Vict. c. 58.

127. Except as in this Act expressly enacted, nothing in this Act shall take away, abridge, or interfere with any of the rights, powers, authorities, and privileges of or belonging to or exerciseable by the South Blackpool Jetty Company (Limited), by virtue of the South Blackpool Jetty Order, 1866.

Expenses of Act.

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

A.D. 1879.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

The boundary line of the borough as extended is shown on the borough and ward plan, and is as follows; (namely,) a line, commencing at a point five hundred yards due west of the north-west extremity of the borough, and thence following the present boundary thereof to the point where the footpath from Great Marton to Staining first crosses the boundary of the borough, then southwards along the western boundary of the said footpath to the fence at the back of and to the north of Top o'th' Town Farm, thence westerly along the said fence to the north-west corner of the homestead of the said farm, thence south to the north-east corner of the farmhouse of the said farm, thence west along the north side of the said house to the north-west corner thereof, thence along the west side thereof and across the road leading through Great Marton Village to the south-west corner of a building recently erected on the south side of the road and opposite to the said house, thence east along the south side of that building to the eastern fence of the field in which that building is situate, thence south, thence west, thence again south, and thence again west along the fences of the said field to the footpath leading from Great Marton Village Road to Marton Bank Road, thence southwards along the western side of the said footpath through fields belonging to Marton Green Farm to Marton Bank Road, thence westerly along the north side of that road to a point in a line with the fence running southwards and dividing Flag Causeway Farm and Marton Bank Farm, thence southwards along the said fence to its southern extremity, thence following the continuation of that fence south-westerly, south-easterly, and again south-westerly to a point in Dagger's Hole Lane about sixty yards south-east of Dagger's Hole Farm, thence westerly along the south side of and including the whole of the lane leading from Dagger's Hole Lane to Common Lane, thence southwards along the boundary between the parishes of Bispham and Poulton-in-the-Fylde to Milk House Gate Lane, thence westwards, still following the said boundary along the north side of Milk House Gate Lane, to a point in line with the east side of Middle Lane, thence southwards along the east side of and including Middle Lane to the boundary of the Local Board District of Saint Anne's-on-the-Sea at or near the Halfway House, thence westwards along the said boundary on the north side of Fold Lane to a point nine hundred and thirty-three yards westward from the western boundary of the Blackpool and Lytham Railway, measured along an imaginary prolongation of the said north side of Fold Lane, thence northerly to a point one hundred yards due west of the western extremity of the Blackpool South Jetty as extended, thence northerly to a point one hundred yards due west of the western extremity of the pier undertaking of the Blackpool Pier Company, thence northerly to the point hereinbefore described as the commencement of the boundary of the borough.

THE SECOND SCHEDULE.

PART I.—Names and Boundaries of Wards forming extended Borough, and shown on the Borough and Ward Plan.

CLAREMONT WARD.

Includes all that part of the borough which lies within a line commencing at the extreme north-western boundary of the borough beyond the Gynn, thence running inland along the same boundary across the fields across Knowle Road, behind Warbrick and Mill Inn, across Poulton Road, to the centre of the Dyke at Little Layton, thence along the Dyke to the centre of Little Layton Bridge, thence westward along and including the north side of Little Layton Road, north side of New Road, north side of Talbot Road to Station Road, thence along and including the east side of Station Road to Queen Street, thence along and including the north side of Queen Street, Queen Square, across the Promenade to the seaward boundary of the borough.

TALBOT WARD.

Includes all that part of the borough which lies within a line commencing at the seaward boundary of the borough opposite the centre of Queen Square, thence along and including the south side of Queen Square, south side of Queen Street to Station Road, thence running along and including the west side of Station Road to Talbot Road, thence along and including the south side of the upper portion of Talbot Road, south side of New Road, the south side of Little Layton Road, to the centre of Little Layton Bridge, thence along the Dyke to the old township boundary, thence south-east by the township boundary to the centre of Dykes Lane, thence westward along and including the north side of Dykes Lane, the north side of Layton Road, the north side of Raikes Road, the north side of Raikes Hill, the north side of Church Street to Abingdon Street, thence along and including the east side of Abingdon Street to Birley Street, thence along and including the north side of Birley Street, the north side of West Street, across the Promenade to the seaward boundary of the borough.

BANK HEY WARD.

Includes all that part of the borough which lies within a line commencing at the seaward boundary of the borough opposite the centre of West Street, thence along and including the south side of West Street, the south side of Birley Street to Abingdon Street, thence along and including the west side of Abingdon Street to Church Street, thence along and including the south side of Church Street to Park Road, thence along and including the west side of Park Road to Adelaide Road, thence along and including the north side of Adelaide Road, the north side of Albert Road to Great Marton Road, thence along and including the east side of Great Marton Road to Hounds Hill, thence along and including the north side of Hounds Hill across the Promenade to the seaward boundary of the borough.

A.D. 1879.

Brunswick Ward.

Includes all that part of the borough which lies within a line commencing at the seaward boundary of the borough opposite the centre of Hounds Hill, thence along and including the south side of Hounds Hill to Great Marton Road, thence along and including the west side of Great Marton Road to Albert Road, thence along and including the south side of Albert Road, the south side of Adelaide Road to Park Road, thence along and including the east side of Park Road to Church Street at its junction with Raikes Hill, thence along and including the south side of Raikes Hill, the south side of Raikes Road, the south side of Layton Road, the south side of Dyke's Lane to the existing boundary of the township of Layton-with-Warbreck, thence along the same boundary beyond the Whinney Heys, around the Belle Vue Gardens, southward of Raikes Hall Gardens, across Revoe Road, to the centre of the footpath leading west to Princess Street, thence along and including the north side of the said footpath across the Blackpool and Lytham Railway along and including the north side of Princess Street across the Promenade to the seaward boundary of the borough.

Foxhall Ward.

Includes all that part of the borough which lies within a line commencing at the seaward boundary of the borough opposite the centre of Princess Street, thence along and including the south side of Princess Street, across the Blackpool and Lytham Railway, along and including the south side of the footpath opposite Princess Street to the existing boundary of the said township, thence along the same boundary, crossing Revoe Road, along southwards of Raikes Hall Gardens, around Belle Vue Gardens to the point where the footpath from Great Marton to Staining first crosses the boundary of the borough, thence southwards along the western boundary of the said footpath to the fence at the back of and to the north of Top o'th' Town Farm, thence westerly along the said fence to the north-west corner of the homestead of the said farm, thence south to the north-east corner of the farmhouse of the said farm, thence west along the north side of the said house to the north-west corner thereof, thence along the west side thereof and across the road leading through Great Marton Village to the south-west corner of a building recently erected on the south side of that road, and opposite to the said house, thence east along the south side of that building to the eastern fence of the field in which that building is situate, thence south, thence west, thence again south, and thence again west along the fences of the said field to the footpath leading from Great Marton Village Road to Marton Bank Road, thence southwards along the western side of the said footpath through fields belonging to Marton Green Farm to Marton Bank Road, thence westerly along the north side of that road to Marton Green, thence along and including the north side of Cow Gap Lane to Lytham Road, thence along and including the north side of Waterloo Road, across the promenade to the seaward boundary of the borough.

Waterloo Ward.

Includes all that part of the borough which lies within a line commencing a the seaward boundary of the borough opposite the centre of Waterloo Road,

thence along and including the south side of Waterloo Road to Lytham Road, thence along and including the south side of Cow Gap Lane to Marton Green, thence along and including the south side of Marton Bank Road to a point in line with the fence running southwards, and dividing Flag Causeway Farm and Marton Bank Farm, thence southwards along the said fence to its southern extremity, thence following the continuation of that fence south-westerly, south-easterly, and again south-westerly to a point in Dagger's Hole Lane, about sixty yards south-east of Dagger's Hole Farm, thence westerly along the south side of and including the whole of the lane leading from Dagger's Hole Lane to Common Lane, thence southwards along the boundary between the said parishes of Bispham and Poulton-in-the Fylde to Milk House Gate Lane, thence westwards, still following the said boundary along the north side of Milk House Gate Lane, to a point in line with the east side of Middle Lane, thence southwards along the east side of and including Middle Lane to the boundary of the Local Board District of St. Anne's-on-the-Sea at or near the Halfway House, thence westwards along the said boundary on the north side of Fold Lane to a point nine hundred and thirty-three yards westward from the western boundary of the Blackpool and Lytham Railway, measured along an imaginary prolongation of the said north side of Fold Lane.

PART II.—Regulations respecting number, &c. of Aldermen, Councillors, &c.

1. The borough shall continue to have six aldermen and eighteen councillors.

2. For the purpose of the burgess lists, burgess roll, and other lists to be made after the passing of this Act, under the provisions of the Municipal Corporations Acts, the added part of the borough shall be deemed to have always formed part of the borough.

3. As regards the existing wards the alterations of the boundaries thereof shall be deemed to take effect as from and immediately after the thirtieth day of June one thousand eight hundred and seventy-nine, but all proceedings for elections of councillors before the first day of November one thousand eight hundred and seventy-nine shall be taken as if the boundaries of those wards remained unaltered.

4. All the retiring aldermen and councillors shall, if duly qualified, be eligible for re-election.

5. The mayor of the borough shall be elected on the ninth day of November one thousand eight hundred and seventy-nine from and out of the aldermen and councillors of the borough.

6. Subject to the regulations of this Schedule, all elections, vacations of office, and rotations shall be governed by the Municipal Corporations Acts.

THE THIRD SCHEDULE.

LANDS for manufacture of Gas and conversion of Residual Products.

Land four acres and one perch in extent or thereabouts, bounded on the north by Princess Street, on the east by the said Blackpool and Lytham Railway, on the south by the north side as staked out of an intended street leading from the said railway at the point where it crosses Spen Dyke to the Promenade near the Manchester Hotel, and on the west by Corporation Street.

THE FOURTH SCHEDULE.

LANDS and BUILDINGS of which Portions only are required.

Parish.	Numbers on deposited Plans (all inclusive).
Bispham - - -	Talbot Road Improvement, Nos. 722B, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775.
Bispham - - -	Church Street (Blackpool), Nos. 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 843, 844, 845, 846, 853, 854, 855, 856, 857, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868.
Bispham - - -	Raikes Road Improvement, Nos. 881B, 882.
Bispham - - -	Whitegate Lane, Nos. 924, 931, 932A, 926, 932, 933, 934.
Poulton-in-the Fylde -	Whitegate Lane, Nos. 1, 2, 7, 8, 9, 12, 13, 14, 15, 17, 18, 19, 20, 44, 45, 55, 64, 65, 66, 67, 68, 69, 70, 76, 86.
Bispham - - -	Parade at South Shore, Nos. 1,210, 1,211, 1,212, 1,213, 1,214, 1,215, 1,216, 1,217, 1,218, 1,219, 1,220, 1,221, 1,222, 1,223, 1,225, 1,226, 1,227, 1,228.

THE FIFTH SCHEDULE.

CERTIFICATE of DISEASE, &c. under section 75.

BLACKPOOL IMPROVEMENT ACT, 1879.

Section 75.

To the Corporation of the borough of Blackpool. Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the undermentioned person is suffering from a disease within the terms of such section.

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 disease - - - -

NOTE.—This certificate must (under penalty of ten pounds in case of neglect) be forthwith sent to the medical officer of health of the Corporation at his residence or office.

THE SIXTH SCHEDULE.

FORM of CERTIFICATE of DEBENTURE STOCK.

BLACKPOOL CORPORATION DEBENTURE STOCK.

Certificate No. Amount £

Registered No.

This is to certify that of is registered in the books of the mayor, aldermen, and burgesses of the borough of Blackpool, in the county of Lancaster, as the proprietor of pounds sterling Blackpool Corporation Debenture Stock, created by virtue of the Blackpool Improvement Act, 1879, bearing interest at the rate of pounds per centum per annum payable half-yearly on the first day of July and the first day of January in each year, the first payment to be made on the day of next.

Given under the common seal of the mayor, aldermen, and burgesses of the borough of Blackpool, in the county of Lancaster, this day of .

NOTE.—This stock certificate must be deposited with the deed of transfer, whether for the whole or any portion thereof, before a new certificate can be issued in exchange.

All certificates will bear the common seal of the Corporation.

A.D. 1879.

FORM of TRANSFER of DEBENTURE STOCK.

I, of ,
in consideration of the sum of paid to me
by , of ,
do hereby transfer to (herein-after called
the transferee), the sum of Blackpool Corporation
Debenture Stock, with all interest due and to become due thereon, to hold unto the transferee, his executors, administrators, and assigns, subject to the several conditions on which I hold the same at the time of the execution hereof, and I, the transferee, do hereby agree to take the same debenture stock, subject to the same conditions.

As witness our hands and seals this day of
in the year of our Lord 187 .

L.S.

L.S.

THE SEVENTH SCHEDULE.

FORM OF RATE.

An assessment to the General District and Borough Rate under the Blackpool Improvement Act, 1879, made the day of 18 .

No. of Assessment.	Name of the Person to be rated.		Description of Property.	Situation of Property.	Rateable Value.	Borough Rate at in the £.	General District Rate at in the £.	Total Rate to be collected.
	Owner.	Occupier.						

FORM OF PRECEPT.

Borough of Blackpool, to wit.

To the overseers of the poor of the township of

These are to require you to pay or cause to be paid on or before the day of into the hands of the treasurer of the said borough appointed to receive the same the sum of *l.*, being the amount of the several and respective sums of money hereunder set down and expressed opposite to and against the name of the township of , the said sum being charged and assessed thereon as the proportion of the said township towards the rates at in the pound respectively made at a meeting of the town council of the said borough held on the day of .

Signature of town clerk.

Name of Township.	Borough Rate at in pound.	General District Rate at in pound.	Total.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1879.