CHAPTER lv.

An Act to extend the Boundaries of the Borough of Burnley to confer further Powers upon the Corporation of Burnley with respect to their Gas Undertaking and for other purposes. [5th July 1889.]

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WHEREAS the borough of Burnley in the county of Lancaster is a county and municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act called "the Corporation") and the Corporation acting by the council are the urban sanitary authority for the district of the existing borough:

And whereas the following local Acts and Orders relating to the existing borough have been passed and are wholly or partly in force (that is to say):—

Short Titles of former Acts.	Herein-after in this Act referred to as
The Burnley Borough Improvement Act 1871	The Act of 1871
The Borough of Burnley Provisional Order confirmed by the Local Government Boards Provisional Orders Confirmation (Belper Union &c.) Act 1878	The Order of 1878
The Borough of Burnley Provisional Order confirmed by the Local Government Boards Provisional Orders Confirmation (Aspull &c.) Act 1879	The Order of 1879
The Borough of Burnley Provisional Order confirmed by the Local Government Boards Provisional Orders Confirmation (Abingdon &c.) Act 1880	The Order of 1880
The Burnley Borough Improvement Act 1883	The Act of 1883

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Short Titles of former Acts.	Herein-after in this Act referred to as
The Borough of Burnley Provisional Order confirmed by the Local Government Boards Provisional Orders Confirmation (No. 5) Act 1883	The Order of 1883
The Borough of Burnley Provisional Order confirmed by the Local Government Boards Provisional Orders Confirmation (No. 7) Act 1884	The Order of 1884
The Borough of Burnley Provisional Order confirmed by the Local Government Boards Provisional Orders Confirmation (No. 3) Act 1885	The Order of 1885
The Borough of Burnley Provisional Order confirmed by the Local Government Boards Provisional Orders Confirmation (No. 8) Act 1887	The Order of 1887

All of which Acts and Orders are herein-after in this Act referred to collectively as "the former Acts":

And whereas it is expedient that the boundaries of the borough should be extended in manner by this Act authorised:

And whereas in order to settle the division into wards of the extended borough it is desirable that a commissioner be appointed as in this Act mentioned:

And whereas it is expedient that the limits within which the Corporation are empowered to supply gas and water be extended so as to include the area added to the borough by this Act and to repeal so much of the Padiham Waterworks Act 1854 the Padiham Water Act 1874 the Padiham Local Board Act 1876 and the Padiham Local Board Act 1882 (herein-after called "the Padiham Acts") as authorises the local board for the district of Padiham and Hapton in the county of Lancaster (herein-after called "the local board") to supply any part of such area with gas and water and to prohibit the local board from hereafter supplying gas and water thereto:

And whereas the demand for gas within the borough has increased and is increasing and it is expedient that the gasworks of the Corporation should be improved and enlarged and that the Corporation

be authorised to construct lay down and maintain new gasworks on the land in this Act described:

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes aforesaid:

And whereas an estimate has been prepared by the Corporation for extension and improvement of gasworks and amounts to thirty thousand pounds:

And whereas the works included in such estimate are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the thirty-first day of October one thousand eight hundred and eighty-eight after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Burnley Express" a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should at the option of the said council be charged on the borough fund and general rate in such proportions as the council may determine or be paid out of moneys to be borrowed by the Corporation on the security thereof:

And whereas such resolution was published twice in the said "Burnley Express" and has received the approval of the Local Government Board in respect of matters within the jurisdiction of that board and the approval of one of Her Majesty's Principal Secretaries of State in reference to other matters:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-fourth day of January one thousand eight hundred and eighty-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 the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1889. Commons in this present Parliament assembled and by the authority of the same as follows :—

PART I.

Preliminary.

Short titles.

1. This Act may be cited as the Burnley Corporation Act 1889 and the former Acts and this Act may be cited as the Burnley Corporation Acts 1871 to 1889 and the former Acts (as respectively amended or varied by any subsequent Act and by this Act) and this Act shall be construed together as one Act.

Division of Act into parts.

2. This Act is divided into parts as follows :—

Part I.—Preliminary ;
Part II.—Extension of Borough ;
Part III.—Gas and Water ;
Part IV.—Borrowing Powers ;
Part V.—Miscellaneous.

Incorporation of Acts.

3. The Waterworks Clauses Acts 1847 and 1863 (except the provisions with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit) and the Gasworks Clauses Act 1871 (except the provision with respect to accounts) are (except where expressly varied by this Act or the former Acts) incorporated with and form part of this Act and the former Acts and shall apply and be enforceable within the borough and the extended borough Provided that the Waterworks Clauses Act 1847 as incorporated in the former Acts and in this Act shall be read and have effect as if the words " with the consent " in writing of the owner or reputed owner of any such house or of " the agent of such owner " were omitted from the forty-fourth section thereof.

Interpretation.

4. In this Act unless the context otherwise requires the following expressions have the following meanings (that is to say) :—

" The existing borough " means the municipal and county borough of Burnley as existing immediately before the passing of this Act ;

" The added area " means the districts added to the existing borough by this Act ;

" The borough " used without qualification or " the extended borough " means the existing borough as extended by this Act ;

" The Corporation " and " the council " mean respectively the mayor aldermen and burgesses and the council of the existing borough or of the extended borough as the case may require ;

"The mayor" "the town clerk" "the surveyor" respectively mean the mayor the town clerk and the surveyor of the borough and include their respective deputies (if any);

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

"The local board" means the local board for the district of Padiham and Hapton in the county of Lancaster;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act for the time being in force amending or extending the same;

"The Public Health Acts" means the Public Health Act 1875 and any Act for the time being in force amending or extending the same;

"The Local Government Act" means the Local Government Act 1888 and any Act for the time being in force amending or extending the same;

"Person" includes a corporation;

"Rural authority" means any rural sanitary authority exercising jurisdiction in any part of the added area immediately before the commencement of this Act;

"Highway authority" means any surveyor of highways or other authority or body having jurisdiction over any highways and streets in the added area immediately before the commencement of this Act;

"Former Acts" means the Acts and orders relating to the existing borough referred to in the preamble;

"Padiham Acts" means the Padiham Waterworks Act 1854 the Padiham Water Act 1874 the Padiham Local Board Act 1876 and the Padiham Local Board Act 1882;

"Existing" means existing immediately before the commencement of this Act;

"Schedule" means schedule to this Act:

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith the Municipal Corporations Acts the Public Health Acts or the Local Government 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 the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

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Act to be executed by council.

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

Commencement of Act.

6. This Act shall (save as otherwise expressly provided) come into operation on the first day of September one thousand eight hundred and eighty-nine which date is in this Act referred to as the commencement of this Act Provided that for the purposes of the division of the extended borough into wards and of all proceedings preliminary to the municipal elections on and after the first day of November one thousand eight hundred and eighty-nine this Act shall come into operation on its passing.

PART II.

Extension of Borough.

1.—*Extension of Boundaries and of Powers of Corporation &c.*

Extension of borough.

7. The boundaries of the existing borough are hereby extended so as to comprise and the borough shall accordingly comprise in addition to the existing borough the districts described in the First Schedule and for all the purposes of the Local Government Act and notwithstanding anything in that Act contained but subject to all the provisions of that Act affecting county boroughs the boundaries of the borough as a county borough shall be the boundaries of the borough as by this Act defined.

Provisions as to adjustment with county.

8. The extended borough shall be a county borough within the meaning of the Local Government Act 1888 and the provisions of that Act relating to the equitable adjustment of financial relations between each county and county borough shall apply in all respects

as regards the added area of the borough and such added area shall be considered as part of the county up to the commencement of this Act.

Deposit map of extended borough.

9. A map of the borough as extended by this Act signed in duplicate by the Right Honourable the Earl of Belmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (in this Act called "the borough map") shall within one month after the passing of this Act be deposited in the office of the Clerk of the Parliaments and with the town clerk at his office A copy thereof certified by the town clerk to be a true copy shall within the like period be deposited at each of the following offices (that is to say) the office of the Local Government Board and the office of the Director General of Her Majesty's Ordnance Survey at Southampton If any discrepancy shall be found to exist between the borough map and the boundaries of the extended borough as described in the First Schedule the borough map shall be deemed to be correct and shall prevail On the borough map the boundaries of the borough as extended by this Act are coloured red.

Copies of borough map to be evidence.

10. Any copy of the borough map or any extract therefrom certified by the town clerk to be true shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such map and such map shall at all reasonable times be open to the inspection of any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from such map certified by the town clerk on payment of a reasonable fee for every such copy or extract All sums received under this section shall be carried to the credit of the borough fund.

Authority of Corporation &c. extended.

11. Subject to the provisions of this Act the jurisdictions powers rights privileges authorities and duties of the Corporation under all charters and Acts relating to the Corporation or to the existing borough and also all the jurisdictions powers rights privileges authorities and duties of the Corporation acting by the council as a county council under the Local Government Act and as a municipal body and of the Corporation acting by the council as the sanitary authority for the district of the existing borough and of the Corporation acting in the execution of such public and local Acts and Orders confirmed by Parliament as are at the commencement of this Act in force within the existing borough or otherwise and of all officers and servants of the Corporation shall extend to and throughout the extended borough and all byelaws and regulations which at the commencement of this Act are in force within the

Byelaws &c. to apply to extended borough.

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existing borough shall (subject to any future revocation alteration repeal or amendment of the same in the manner in which byelaws can be revoked altered repealed or amended by the Corporation) extend and apply to and throughout the extended borough and the jurisdictions powers rights privileges authorities duties byelaws and regulations of the Lancashire county council or of any rural authority or highway authority in force within the added area shall cease to be in force or to have any effect within the added area subject to the provisions of the Local Government Act affecting county boroughs in this respect.

Mayor's jurisdiction.

12. On and from the commencement of this Act the mayor shall have all such powers jurisdiction and authority in and throughout the extended borough as he now has or possesses in the existing borough and his election shall be deemed to have applied to the extended borough accordingly in all respects.

Jurisdiction of justices &c. extended.

13. The jurisdiction powers rights privileges authorities and duties of the justices of the peace appointed for the existing borough and of the police constables and other peace officers of the existing borough shall extend to and throughout the extended borough in the same manner and to the same extent as they now do throughout the existing borough.

Trial of offences before commencement of Act.

14. Every person committing an offence in the added area before the commencement of this Act shall be tried adjudicated on and dealt with as if this Act had not passed.

As to Corporation and other trust property.

15. All estates property funds tolls or other revenues rights and privileges of every description vested in the Corporation or in any trustees committee or society for educational or other purposes except purposes of charity at the commencement of this Act for the benefit of the existing borough shall vest in the Corporation or in such trustees committee or society for the benefit of the extended borough and all the rights privileges benefits and advantages enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough but subject to all debts liabilities and engagements affecting the same.

Exemption from liability to county and other rates.

16. Subject to the provisions of this Act and of the Local Government Act on and after the commencement of this Act no lands or other property in the added area shall (otherwise or to any greater extent than lands or property situate within the existing borough) be liable to contribute to any county or other rate or contribution made after the commencement of this Act in or for the county of Lancaster or any hundred or division thereof or to any highway rate in respect of any township or parish or to any sanitary

or other rate made after the commencement of this Act by or in accordance with the precept of the rural authority or highway authority but orders or precepts respecting such rates and matters connected therewith made before the commencement of this Act and all arrears of any such rates existing at the commencement of this Act may be enforced collected and recovered as if this Act had not been passed.

Compensation to the clerk to the justices.

17. The Corporation shall pay as compensation to the clerk of the justices of the petty sessional division of Higher Blackburn holden at Burnley at the time of the passing of this Act for loss by reason of the passing of this Act such sums as shall be agreed upon between the Corporation and the said clerk or failing agreement as shall be determined by the Local Government Board at the request in writing of either party.

Extension of powers of Corporation as to cemetery.

18. The jurisdictions powers rights privileges authorities and duties of the Corporation under Part XIII. (Cemetery) of the Act of 1871 shall extend to and throughout the extended borough and the cemetery of the Corporation shall be available for inhabitants of such part of the added area as is not now within the limits referred to in section 306 (limits of Act as to cemetery) of the Act of 1871 in the same manner and to the same extent and subject to the same payments rules and regulations as such cemetery is now or shall hereafter be available for the inhabitants of the limits referred to in the said section 306.

Partial repeal of section 306 of Act of 1871.

19. So much of section 306 of the Act of 1871 as excepts the ecclesiastical district of All Saints Habergham in the township of Habergham Eaves and also such part of the ecclesiastical district of Saint James Briercliffe-with-Extwistle as is within the township of Burnley from the limits within which the Act of 1871 shall be put in force in respect to the cemetery is hereby repealed so far as respects any portion of the added area.

Extension of district of Burnley School Board.

20. For the purposes of the Elementary Education Act 1870 and the Acts amending the same the extended borough shall be a school district and the members of the school board for the existing borough in office at the commencement of this Act shall be deemed to have been elected and the said board shall be the school board for that district subject to the provisions of the above-mentioned Acts and of any order or orders made or to be made by the Education Department in pursuance of the said Acts.

School board byelaws.

21. From and after the commencement of this Act all byelaws and regulations made by the school board of the existing borough and then in force shall (subject to any future revocation alteration repeal or amendment of the same in the manner in which byelaws

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can be revoked altered repealed or amended by the school board) apply to and be in force within and throughout the extended borough subject to any future repeal or amendment of the same.

For protection of Mr. James Dugdale.

22. For the protection of Mr. James Dugdale of Ivy Bank near Burnley the following provisions shall have effect (that is to say) :—

Gasworks.

1. The said James Dugdale shall sell and the Corporation shall purchase all the gasworks belonging or reputed to belong to the said James Dugdale situate at Lower Houses in the added area including all the gasholders buildings mains pipes distributing apparatus plant articles and things belonging to or used in connexion with the same and the stock in trade in or about the said gasworks ;
2. The purchase shall not include any lands or grounds upon which the gasworks or any part thereof are situate and the gasworks shall as soon as conveniently may be after the commencement of this Act be removed from the said lands and grounds by and at the expense of the Corporation ;
3. The price of the gasworks shall be such sum as may be agreed upon between the said James Dugdale and the Corporation or as failing agreement shall be ascertained by arbitration ;
4. Any such arbitration shall be by two arbitrators one to be chosen by each party and in case of the disagreement of the two arbitrators then by an umpire to be chosen by the arbitrators before entering upon the consideration of the matters referred to them and every such reference shall be deemed an arbitration within the Common Law Procedure Act 1854 and be subject to the provisions relating to arbitration contained in that Act or in any subsisting statutory modification thereof The costs of the arbitrators and umpire and of the award shall be borne by the Corporation ;
5. The price shall be based upon the full value of the gasworks as plant in working condition with ten per cent. added thereto but exclusive of any allowance in respect of past or prospective profits from the works or other consideration whatsoever ;
6. The price shall be paid within one month after it has been ascertained either by agreement or arbitration as hereinbefore provided ;
7. No title shall be required to the gasworks and no assurance thereof but the same shall be treated as passing to the Corporation on payment of the price by delivery like a chattel ;

Roads.

8. From and after the commencement of this Act the road within the township of Habergham Eaves leading through Lower

Houses from a point near the Bird-in-Hand public-house where that road joins the Habergham Eaves township road to the point where it reaches the township of Padiham by the carriage bridge over the brook near Lower House entrance lodge shall become a highway and part of the public streets or roads maintainable and repairable by the Corporation within the extended borough and the same shall accordingly vest in and be under the control of the Corporation;

9. In the application of section 35 of the Burnley Borough Improvement Act 1883 to the said road through Lower Houses the said section shall be read and have effect as if the words twenty-one feet were therein inserted instead of the words eighteen feet;

Sewers.

10. (A) The Corporation shall as soon as practicable at their own cost commence and with all due diligence proceed with the construction of the following works which shall be maintained by and at the cost of the Corporation namely:—

1. A sewer commencing at the settling tanks at Gannow and thence carried along or near the brook to the junction of the boundary of the extended borough with the township of Padiham below the Lower House Printworks;

2. A sewer commencing at the bottom of the street at Lower Houses called Water Street and carried alongside the Lower House Long Reservoir and terminating at the first-mentioned sewer;

(B) The Corporation shall at their own cost connect with the sewers so to be constructed the present outfall sewers of the said James Dugdale now discharging into the Gannow Stream and Lodge River the drainage and sewage arising from his property at Lower Houses and Cheapside;

(C) The said James Dugdale shall grant to the Corporation without consideration the necessary easements through his land for the purposes of the said sewers Provided always that the line of the said sewers shall be subject to the approval of the said James Dugdale and the Corporation shall make good to the said James Dugdale and his tenants all surface damage which shall be caused in the construction or maintenance of the said sewers and if the Corporation shall deviate from the line of the said sewers approved by the said James Dugdale they shall pay to him compensation in respect of such deviation.

Mode of assessment on coal within

23. All coal won from under lands situated within the added area shall for a term of twenty-one years from the passing of this

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the added area.

Act be assessed to the borough cemetery and lamp rates in the proportion of one-fourth part only of the net annual value thereof but from the expiration of such term shall be assessed to the full extent of such net annual value.

Proportionate rating.

24. Notwithstanding anything in this or the former Acts contained all property within the added area which on the commencement of this Act will become liable to be rated to the general rate shall for the period between the said first day of September one thousand eight hundred and eighty-nine and the twenty-fifth day of March one thousand eight hundred and ninety be rated proportionately only.

Highways not included in the borough.

25. All highways repairable by the inhabitants at large in such portions of the townships mentioned in the First Schedule to this Act as are not included in the extended borough shall continue to be repaired and the expenses of such repairs shall continue to be defrayed by the portions of the said townships not included in the extended borough in the manner in which the same were repaired and defrayed at the passing of this Act.

Power of authorities to enter into agreements with Corporation.

26.—(1) Notwithstanding any of the foregoing provisions of this Act it shall be lawful for the Corporation on the one hand and the rural authorities and the highway authorities of the added area respectively on the other hand but so far only as relates to the parts of their respective districts by this Act added to the borough at any time after the passing of this Act to make and carry into effect agreements with respect to the transfer of any property liabilities or powers from such authorities respectively to the Corporation or for settling and adjusting any doubt or difference and generally with respect to the execution of the provisions of this Act.

(2) Any doubt or difference arising between the Corporation and any of the said authorities as to any of such matters or the construction or execution of any such agreement or as to any matter not provided for by any such agreement shall on the application of either party stand referred to the decision of the Local Government Board who shall have full power by order finally to settle and adjust any such doubt or difference and to apportion any rights property or liabilities and generally to decide any question submitted to them as between the Corporation and any of the said authorities.

Saving for deeds securities &c.

27. Subject to the provisions of this Act all deeds contracts documents securities orders notices and proceedings made or entered into with or in favour of or by or on behalf of the rural or highway authorities respectively and in force at the commencement of this Act and relating to any property liabilities or powers transferred

to or vested in the Corporation by this Act shall be and remain as valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the rural authority or highway authority as the case may be had been party or privy thereto.

Books to be evidence.

28. All books and other documents directed or authorised to be kept by the rural or highway authorities respectively by any Act of Parliament and which at the commencement of this Act would be receivable in evidence shall be received in evidence in Her Majesty's High Court of Justice and all other courts and in all proceedings notwithstanding the cesser of the powers rights and jurisdiction of the said authorities in and over the added area.

Actions &c. not to abate.

29. Any action cause of action prosecution or other proceeding whatsoever pending or existing at the commencement of this Act either in favour of or against any of the rural or highway authorities and relating specially to the added area shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained commenced prosecuted or continued by in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of any such rural authority or highway authority as the case may be were party to such action prosecution or proceeding.

2.—Division of the Borough into Wards Elections &c.

Division of extended borough into wards.

30. The extended borough shall be divided into twelve wards with such names or distinguishing numbers and boundaries thereof as shall be fixed and determined by a scheme to be made by a commissioner to be for that purpose appointed by Her Majesty's Principal Secretary of State for the Home Department within three weeks after the passing of this Act.

Commissioner to frame scheme.

31. The commissioner shall commence and proceed with the duties of his appointment with all practicable despatch and so as to complete his scheme before the thirty-first day of August one thousand eight hundred and eighty-nine or such later day as may on his application be fixed by the said Secretary of State.

Number of aldermen and councillors.

32. After the division of the extended borough into wards the number of the aldermen shall be twelve and the number of councillors shall be thirty-six and the commissioner shall apportion all the councillors among the wards in the proportion of three councillors to each ward.

Scheme to published.

33.—(1) The scheme shall be published in the London Gazette and also in some local newspaper or newspapers circulating in the

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borough and from the date of the publication in the Gazette the boundaries of wards and apportionment of councillors and other matters determined by the scheme shall be observed and be in force Such publication shall be made by and at the expense of the Corporation.

(2) If Her Majesty in Council does not approve the scheme as originally prepared by the commissioner it shall nevertheless be in force for the purposes of any municipal election until Her Majesty in Council on further information and report from the commissioner definitely approves a scheme.

Application of s. 30 of 45 & 46 Vict. c. 50.

34. Subject to the provisions of this Act subsections 5 6 7 8 9 10 11 14 and 15 of section 30 of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act.

Further provisions as to elections &c. 35 & 36 Vict. c. 33 &c.

35. Anything to be done under the provisions of the Municipal Corporations Acts the Ballot Act 1872 and any other Act or Acts in relation to elections and other matters incidental thereto or by the mayor aldermen or town clerk in relation to each of the wards determined by the said scheme before the first day of November one thousand eight hundred and eighty-nine may be done in like manner as if such wards were and had been wards of the borough existing at the time of the passing of this Act and the assignment of aldermen as returning officers by the council on the ninth day of November one thousand eight hundred and eighty-eight shall so far as practicable be deemed to have applied to the several wards of the borough as determined by the said scheme subject to any provisions in that behalf made in and by such scheme and the commissioner is by this Act empowered to make all such provisions as may be necessary or proper in consequence of the extension of the borough and of the division or alteration of wards and of the numbers of councillors and aldermen.

Burgess lists and burgess rolls.

36. For the purposes of the burgess lists the ward rolls and the burgess roll to be made after the passing of this Act under the Municipal Corporations Acts and in relation to the functions and offices of the mayor town clerk and other officers under those Acts the added area shall be deemed to have always been part of the borough Provided that no such burgess list or ward or burgess roll so to be made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notice or notices given at the time or times required prior to the passing of this Act if such list or roll or notice or notices be made given or published as soon after the passing of this Act or the publication of the said scheme as may be practicable.

37. Subject to the provisions of this Act all the provisions of the Municipal Corporations Acts with respect to the division of the borough into wards or the alteration of wards shall apply to the extended borough.

Application of Municipal Corporations Acts.

PART III.

Gas and Water.

38. The limits within which the Corporation are authorised to supply gas and water are hereby extended to and made co-extensive with the limits of the extended borough and the Corporation may for the purposes of such supply exercise within such extended limits the same powers for the supply of gas and water and with respect to rates charges and payments to be levied and charged for such supply and the recovery of the same and otherwise as they are by the former Acts authorised to exercise within their present gas and water limits and for the purposes of section 158 of the Act of 1871 the borough therein referred to shall mean the extended borough.

Extension of limits of gas and water supply.

39. The words "annual value" in section 177 of the Act of 1871 shall mean the gross estimated rental of the premises as ascertained by the valuation list in force at the commencement of the quarter in which the water rent accrues Provided also that where the water rent is chargeable as aforesaid on a part only of any premises entered in the valuation list such value shall be a fairly apportioned part of the gross estimated rental of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined in manner provided by the sixty-eighth section of the Waterworks Clauses Act 1847.

Water rent to be according to gross estimated rental.

40. In addition to the rent for the supply of water for domestic purposes which the Corporation may demand under the former Acts and this Act the Corporation may in all cases in which there shall be more than one watercloset or bath in any house or part of a house the occupier of which may be liable to pay rent for a separate supply of water charge in respect of every bath therein any sum not exceeding ten shillings per annum and for every watercloset therein beyond the first any sum not exceeding ten shillings per annum and such additional sum or sums may be received with and as part of or by the same means as the rent for the domestic supply from such occupier.

Charge for several waterclosets, &c.

41. The powers and authorities under which the local board are by the Padiham Acts authorised to supply gas and water in such part of the township of Habergham Eaves as is by this Act included in the extended borough shall from and after the twenty-

Repeal of Padiham Acts so far as relates to supplying

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Habergham Eaves with gas and water.

ninth day of September one thousand eight hundred and eighty-nine be repealed and from and after that date the local board shall except to the Corporation as herein-after provided cease to supply gas and water within such part of the said township of Habergham Eaves.

Purchase of mains &c.

42. The Corporation shall within six months from the commencement of this Act purchase and the local board shall sell all pipes fittings and other apparatus for or connected with the distribution of water and belonging to the local board within that part of the added area which at the commencement of this Act was supplied with water by the local board.

Any purchase of the mains and other property of the local board which may be made as above provided shall be evidenced by a deed of conveyance duly stamped which deed shall within three months after the vesting in the Corporation of the property sold be produced to the Commissioners of Inland Revenue and in default of such production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the Corporation with costs of suit and all costs and charges attending the same.

Price to be paid for purchase of mains &c.

43. The price to be paid by the Corporation to the local board for the said pipes fittings and other apparatus shall be fixed and ascertained by John Cross of Manchester surveyor and valuer or in the event of his death or refusal to act by some other competent and independent valuer to be nominated and appointed in case of disagreement between the Corporation and the local board in the appointment of a valuer for one month from such death or refusal to act by the Local Government Board and the amount of such valuation shall be paid by the Corporation to the local board within one calendar month after receipt of the valuation by the Corporation who shall also pay the reasonable charges of the valuer for making such valuation.

Padiham Local Board to supply water.

44. Subject as herein-after provided the local board shall for the period of twenty-five years from the twenty-ninth day of September one thousand eight hundred and eighty-nine supply and deliver annually to the Corporation into their mains at the boundary of the borough nearest to Padiham and at a sufficient pressure to supply the villages of Habergham or Cheapside and Lower Houses or Thornhill Holme twenty million gallons of water Such quantity of water to be delivered by an equal daily supply to be measured by a meter or meters to be fixed and maintained by the Corporation at the aforesaid point of intake and to be open at all reasonable times

to the inspection of the local board and their authorised agents Provided nevertheless that for the period of two years from the said twenty-ninth day of September next unless the reservoir now in course of construction by the local board at Churn Clough shall be previously completed the local board shall not be required to supply to the Corporation as aforesaid a greater quantity of water than shall be required within the part of the added area which was at the time of the passing of this Act within the water district of the local board for domestic and public purposes nor at a greater pressure than the local board are at present supplying water within the said part of the added area.

Rent for supply of water by Padiham Local Board.

45. The Corporation shall pay to the local board during such period of twenty-five years for such supply as aforesaid and including compensation for severing of the said added area from the water limits of the local board a clear rent of five hundred and fifty pounds per annum by equal quarterly payments the first of such quarterly payments to be made on the twenty-fifth day of December next.

Application of compensation money.

46. The sums from time to time payable to the local board under the provisions of the last preceding section shall be carried to the credit of their water account and the sum payable under section 43 of this Act shall be employed by the local board in repayment of moneys borrowed on the security of their waterworks but the Corporation shall not be bound to see to the application of any of such sums.

No mortgage or security made or given by the local board shall be invalidated by reason of anything done under the provisions of this Act.

Power to use lands for gas purposes.

47. The Corporation upon the lands described in the Second Schedule may erect lay down and provide and from time to time maintain alter improve and enlarge extend and renew or discontinue gasworks and works for the manufacture distribution and storage of gas and for the conversion utilisation and distribution of the materials used in and about the manufacture of gas and residual products resulting from such manufacture and may make and store gas and may manufacture store and sell coke tar ammoniacal oil and all other products or residuum of any materials employed in or resulting from the manufacture of gas and the said lands and all works and buildings to be erected thereon shall be held by the Corporation as and be deemed to be part of their gas undertaking.

A.D. 1889.

PART IV.

Borrowing Powers.

Borrowing powers.

48. The Corporation may from time to time (in addition to any moneys which they are now authorised to borrow) borrow at interest for the purposes of this Act on the security of the borough fund and general rate in manner provided by the Act of 1871 with reference to money borrowed under that Act the following sums (that is to say) :—

For gasworks purposes any sum or sums not exceeding thirty thousand pounds ;

And for the purposes of this Act including the costs charges and expenses of this Act such further sum or sums from time to time not exceeding twenty thousand pounds as the Local Government Board may sanction :

The said sum of thirty thousand pounds borrowed under this section shall be repaid within thirty years from the date of borrowing and all moneys borrowed for the costs charges and expenses as aforesaid shall be repaid within fifteen years from the date of borrowing and all other sums from time to time borrowed with the sanction of the Local Government Board shall be repaid within such time not exceeding sixty years from the date of borrowing as the Local Government Board shall approve.

Protection of lenders from inquiry.

49. A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Corporation not to issue irredeemable stock.

50. Notwithstanding anything in the former Acts or this Act contained the Corporation shall not from and after the passing of this Act create or issue any irredeemable stock nor invest any sinking fund created under the former Acts or any of them or this Act in any statutory security of the Corporation.

Power to re-borrow.

51. If the Corporation shall hereafter pay off any money borrowed or to be borrowed by them or any borrowed moneys for the repayment whereof the Corporation are liable otherwise than by means of a sinking fund or by appropriations instalments or annual repayments or out of the proceeds of the sale of land or of fines or premiums on leases they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the time prescribed for the repayment of moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed

under the foregoing provisions shall be deemed to form the same loan and the obligations of the Corporation with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Extending provisions of ss. 477 to 481 of the Act of 1871.

52. The provisions of sections 477 (regulations as to mortgages) and 478 (transfers of mortgages) of the Act of 1871 shall apply to all securities issued by the Corporation for moneys borrowed under this Act and the provisions of sections 479 (repayment of money borrowed on mortgage) 480 (power for mortgagees to obtain a receiver) and 481 (accounts open to mortgagees) of the Act of 1871 shall so far as the same remain in force and unrepealed at the passing of this Act apply to all moneys borrowed by the Corporation under this Act in manner provided by the Act of 1871.

How repayments to be effected.

53.—(1) The Corporation shall repay the moneys borrowed under this Act either by equal annual instalments of principal or of principal and interest or by setting apart in every year as a sinking fund or sinking funds such a sum or sums as will with accumulations in the way of compound interest calculated at three and a half per cent. be sufficient after payment of all expenses to pay off those moneys within the prescribed period and shall invest the said sinking funds in the purchase of Exchequer bills or other Government securities or in securities in which trustees are by law for the time being authorised to invest or in mortgages debentures debenture stock or other securities issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(2) The Corporation may at any time apply the whole or any part of any such sinking fund in or towards the discharge of the money for the repayment of which the fund is established Provided that the Corporation pay into the fund each year and accumulate until the whole of the money borrowed is discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied at the rate per cent. on which the payments to the sinking fund are based.

Priority of existing mortgages.

54. Nothing in this Act contained shall in anywise prejudice or affect the rights of the holders of existing mortgages or bonds of the Corporation and all mortgages or charges to be created under this Act shall be subject to the mortgages and bonds at present existing and secured upon the said estates and property fund and rates.

A.D. 1889.

Application of borrowed moneys.

55. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Power to borrow under Local Loans Act 1875.

56. The Corporation may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 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 by the Corporation in manner by this section authorised shall be a charge upon and 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 borrowing power by this Act conferred 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 All sums paid into any sinking fund under this section shall be as soon as may be invested or applied by the Corporation in the manner in which sinking funds are by this Act authorised to be invested or applied.

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

57. The treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any such instalment or to set apart the sum required by this Act for the sinking fund or have applied any

portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice The provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Corporation not to regard trusts.

58. 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 in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application thereof.

PART V.

Miscellaneous.

Costs of Local Government Board.

59. All costs incurred by the Local Government Board (including such reasonable sum not exceeding five guineas a day for the services of any arbitrator and not exceeding three guineas a day for the service of any inspector) as the board may determine in relation to the duties imposed on the board under Part II. (Extension of Borough) of this Act shall be paid by the Corporation.

Costs of Act.

60. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed and allowed by the taxing officer of one of the Houses of Parliament shall be paid by the Corporation out of moneys borrowed under the authority of this Act or out of the borough fund.

A.D. 1889.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

(A) So much of the township of Habergham Eaves not within the existing borough as is situate within a line drawn from a point at the north-westerly corner of the present borough boundary in Padiham Road along the boundary dividing the townships of Habergham Eaves and Ightenhill Park to a point on the said boundary situate at the north of Park Hill House and adjacent thereto thence by a straight line in a westerly direction to a point on the boundary dividing the townships of Habergham Eaves and Padiham immediately to the south of Tipping Hill Plantation thence following the said boundary in a westerly and southerly direction to a point on that boundary at the south-westerly corner of the Burnley Cemetery thence following the coal tramway belonging to the executors of the late Colonel Hargreaves in a north-easterly direction to the highway known as Back Lane thence in a south-easterly direction along the south-west side of the said highway to a point at the north-east corner of the Occupation Road leading to Habergham Hall thence following in a southerly direction the easterly side of the said Occupation Road for a distance of one hundred and eighty-three yards or thereabouts to the corner of a fence thence along such fence in an easterly direction for a distance of about two hundred and thirty-three yards or thereabouts thence following the said fence in a southerly and south-easterly direction to the corner of a fence two hundred and fifteen yards or thereabouts due west of the buildings known as "Plane Tree" thence in an easterly direction along a fence to a point on the west side of the highway known as Back Lane seventy-five yards or thereabouts north-west of the buildings known as "Plane Tree" thence following the westerly and southerly side of the said highway to Cog Lane thence forward along the south side of the highway known as Sep Clough Lane to Manchester Road thence along the south side of the highway known as Glen View Lane to the buildings known as Glen View thence along the fence in a north-easterly and northerly direction to the existing borough boundary near to Rose Hill thence following the said borough boundary in a westerly north-westerly northerly and north-easterly direction to the point at the north-west corner of the existing borough boundary in Padiham Road aforesaid Also so much of the said township of Habergham Eaves not within the existing borough as is situate between the boundary of the present borough and the boundaries of the townships of Burnley and Ightenhill Park.

(B) So much of the township of Burnley not within the existing borough as is situate to the north of a line drawn from a point on the boundary line dividing the townships of Burnley and Worsthorn three hundred and sixty-six yards or thereabouts due south of the building known as Rowley thence along

the fence in a south-westerly direction to a point on the south-west side of Brunshaw Road one hundred and thirty-three yards or thereabouts to the south-east of the southerly corner of the Pike Hill reservoir thence following the south-west and south sides of the Brunshaw Road to the existing borough boundary at Brunshaw.

(c) So much of the township of Briercliffe-with-Extwistle as is situate west of a straight line drawn from a point on the boundary dividing the townships of Briercliffe-with-Extwistle and Burnley situate at the junction of the River Brun with the River Don to a point on the boundary between those two townships on the north side of Walshaw Clough where that boundary leaves that clough fifty-eight yards or thereabouts measured in a southerly direction from the south-easterly corner of the buildings known as Widow Hill and twenty-eight yards or thereabouts measured in a northerly direction from the north-easterly corner of the building known as Widow Green.

(d) So much of the township of Reedley Hallows Filly Close and New Laund Booth as lies between the boundary of the existing borough and a line drawn as follows viz.: Commencing at a point on the borough boundary where the boundaries of the township of Burnley and the township of Reedley Hallows Filly Close and New Laund Booth leave the borough boundary near the road leading from Burnley to Nelson and proceeding thence in a north-easterly direction along the boundary of the township of Reedley Hallows Filly Close and New Laund Booth to a point on that boundary on the south side of a fence situate thirty-five yards or thereabouts south of the south-east corner of the building known as Reedley House and thence along the south side of such fence in a westerly direction for a distance of seventy-five yards or thereabouts and thence along the centre of the stream proceeding from Wells situate at or near the last-mentioned point to a point on such stream situate immediately on the west side of the road leading from Burnley to Nelson and thence in a straight line in a westerly direction to the north corner of the boundary wall and fence of the Corporation's sewage disposal works at Duckpits and thence in a straight line in a south-westerly direction to the junction of the boundaries dividing the township of Burnley and the townships of Reedley Hallows Filly Close and New Laund Booth and Ightenhill Park at the River Calder thence in an easterly direction along the boundary of the township of Reedley Hallows Filly Close and New Laund Booth until it joins the boundary of the existing borough.

(e) So much of the township of Ightenhill Park as is situate south of a straight line drawn from a point where the public footpath from Whittlefield to Park Lane crosses the boundary dividing the township of Habergham Eaves and the township of Ightenhill Park and situate near the buildings known as Clifton to a point on the boundary line dividing the township of Ightenhill Park and the township of Habergham Eaves at a point on such boundary where the Occupation Road leading from the road from Burnley to Padiham to Cornfield intersects the footpath leading from the road from Burnley to Padiham near the Wesleyan Methodist Chapel to the building know as Top-o'-th'-Close.

A.D. 1889.

THE SECOND SCHEDULE.

A piece of freehold land containing about nine hundred square yards or thereabouts situate in the parish of Whalley and township of Habergham Eaves adjoining the existing gasworks of the Corporation and bounded on the north and west sides by land belonging or reputed to belong to and occupied by the Corporation and used for gasworks on the east side by land belonging or reputed to belong to and occupied by the Leeds and Liverpool Canal Company and on the south side by a strip of land belonging or reputed to belong to the Leeds and Liverpool Canal Company and the Corporation jointly and intended to be used by the said canal company and the Corporation as a joint occupation road.

Also a piece of freehold land in the same parish and township belonging or reputed to belong to the Corporation and containing about six thousand seven hundred and sixty-nine square yards or thereabouts bounded on the north side by the aforesaid strip of land intended to be used as a joint occupation road and by other land belonging or reputed to belong to and in the occupation of the Leeds and Liverpool Canal Company on the east side by the slope and embankment to the canal belonging or reputed to belong to the said canal company on the south side irregularly by property belonging or reputed to belong to Ashworth Read and n the occupation of John William Stott and Company and used as a cotton weaving shed and by land belonging or reputed to belong to and occupied by the said Ashworth Read and on the west side by parts of the east end of Leeds Street and Bark Street by land and buildings belonging or reputed to belong to and occupied by William Hough and Company and used by them as a tan-yard and by land belonging or reputed to belong to and occupied by the Corporation and used by them for gasworks.

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