CHAPTER ccii.

An Act for extending the Borough of Over Darwen, and for the Improvement of the said Borough; and for other purposes. [11th August 1879.]

A.D. 1879.

WHEREAS the borough of Over Darwen, in the county of Lancaster, is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (herein-after in this Act referred to as "the Corporation"), and is subject to the Acts relating to municipal corporations:

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

And whereas by the Over Darwen Local Board Waterworks and Gasworks Act, 1873, the undertakings of the Darwen Waterworks Company and of the Over Darwen Gaslight Company respectively were vested in the local board of health for the district of Over Darwen, who are now represented by the Corporation: 36 & 37 Vict c. lxix.

And whereas it is expedient to extend the boundaries of the said borough of Over Darwen, and to include therein parts of the townships of Lower Darwen and Eccleshill, now respectively comprised in the rural sanitary district of the Blackburn union in the said county:

And whereas it is expedient to make provision for the acquisition by the Corporation of the rights and powers now possessed by the mayor, aldermen, and burgesses of the borough of Blackburn for the supply of water and gas in the districts by this Act proposed to be added to the said borough of Over Darwen, and to extend to the said districts the powers of the Corporation for the supply of water and gas in the said borough:

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 for the purposes in this Act mentioned by means of electricity within the borough, and that all

A.D. 1879.

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 it is expedient to authorise the Corporation to acquire by compulsion or agreement certain lands required for improvements of streets and for a proposed market-house, and to lay out, fence, and regulate a public park or recreation ground:

And whereas it is expedient to make provision for improving, cleansing, and regulating a certain beck or stream called the River Darwen, and its affluents, within the said borough of Over Darwen:

And whereas it is expedient to confer further powers on the Corporation with respect to sanitary purposes and the execution of the Public Health Acts within the said borough, and in particular with respect to the removal, repair, or alteration of dangerous or unhealthy premises, and with respect to cesspools and other sanitary arrangements, and with respect to street and building regulations, and the making of byelaws for the suppression of nuisances, and for other purposes:

38 & 39 Vict. c. 36.

And whereas it is expedient to apply the provisions of the Artizans Dwellings Improvement Act, 1875, to the said borough of Over Darwen:

And whereas it is expedient to authorise the borrowing of further moneys by the Corporation for the purposes of this Act, and for the payment of the purchase money of lands acquired by the Corporation for a town hall and other municipal offices and buildings, and for a market-house, and for a park or recreation ground, and for a cemetery, and for the cost of erecting such town hall, offices, buildings, and market-house, and for fencing, improving, and laying out such park or recreation ground and cemetery, and for the purchase of the rights and property of the mayor, aldermen, and burgesses of the borough of Blackburn in connexion with their gas and water undertakings within the districts proposed to be added to the borough of Over Darwen, and to consolidate certain of the debts of the Corporation:

And whereas the works for the purposes of which the borrowing of moneys is proposed to be authorised by this Act are permanent works within the meaning of the 234th section of the Public Health Act, 1875, and estimates have been prepared showing the expense of such works, and the amount of such estimates is as follows:—

3 & 39 Vict c. 55.

	£
For improving the River Darwen - -	15,000
For street improvements - - -	20,000
For the cemetery - - - -	1,200
For the town hall - - -	40,000

	£
For the market-house - - - -	25,000
For the park - - - -	1,600
For the purchase of part of the gas and water undertakings of the Blackburn Corporation -	13,500

And whereas it is expedient otherwise to amend the Acts relating to the said borough, and to confer further powers on the Corporation for the good government thereof:

And whereas plans and sections describing the lines, situations, and levels of the improvements of streets 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:

And whereas an absolute majority of the whole number of the Council of the borough, at a meeting held on the fourteenth day of November one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the Darwen News, a local newspaper published and circulating in the borough, (such notice being in addition to the ordinary notices required for summoning such meeting,) resolved that the expense in relation to promoting the Bill for this Act should be charged equally upon the borough fund and general district rate of the borough:

And whereas such resolution was published twice in the said Darwen News, 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 respect of other matters:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the sixth day of January 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 Schedule III. of the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

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

A.D. 1879.

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:

PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as the Over Darwen Improvement Act, 1879.

Interpretation of terms.

2. In this Act—

"The existing borough" and "the existing sanitary district" mean respectively the borough and urban sanitary district of Over Darwen as the same existed at the passing of this Act:

"The borough" or "the extended borough," and "the sanitary district" or "the extended sanitary district," mean respectively the borough and urban sanitary district as extended by this Act:

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

"The Council" means the Council of the borough:

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

"The district fund" and "the general district rates" mean respectively the general district fund and general district rates for the borough:

"The Public Health Acts" means the Public Health Act, 1875, as amended by any Acts for the time being in force, either generally or in relation to the borough:

5 & 6 Will. 4. c. 76.

"The Municipal Corporation Acts" means the Act of the fifth and sixth years of King William the Fourth to provide for the regulation of Municipal Corporations in England and Wales, and any Acts amending the same:

"Surveyor" means any surveyor appointed by the Corporation for the purposes of the Public Health Acts:

Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act or in the Public Health Act, 1875, 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 terms "the undertakers," or "the promoters of the

undertaking," or "the Company," shall mean the Corporation; and the terms "superior courts," or "court of competent jurisdiction," or any other like term, shall be read and have effect as if the debt or demand with respect to which they are respectively used were a simple contract debt, and not a debt or demand created by statute.

Act is to be executed by Corporation acting by the Council.

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

Part I.—Extension of the Borough.

Extension of borough.

4. On and after the commencement of this Act, and subject to the provisions thereof, those parts of the townships of Lower Darwen and Eccleshill which are described in the First Schedule to this Act shall be added to the existing borough and the existing sanitary district, and be included within and form part of the borough and sanitary district for all purposes whatsoever, and shall for all purposes cease to be included in or to form part of any rural sanitary district.

The added area shall be distributed among and added to the respective wards of the existing borough as follows; (that is to say,) there shall be added to the north-east ward the whole of the added part of the township of Eccleshill, and so much of the said part of the township of Lower Darwen as lies to the eastward of the turnpike road from the existing borough to the borough of Blackburn; and the remainder of the said part of the township of Lower Darwen shall be added to the north-west ward. So much of the road called Lower Eccleshill Lane, referred to in the said Schedule, as is situate within the added part of the township of Eccleshill, shall be a highway repairable by the Corporation.

A.D. 1879.

Authority of Corporation, &c. extended.

5. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body under the Municipal Corporation Acts, and their charter, and all Acts and laws for the time being in force affecting the Corporation as a municipal body, and of the Corporation acting in the execution of such of the provisions of any Acts as are at the commencement of this Act in force within the existing borough, and of the Corporation acting by the Council as the sanitary authority for the existing sanitary district, and of all officers and servants of the Corporation, shall extend to and throughout the borough and the sanitary district; and, subject to the provisions of this Act, all enactments, byelaws, regulations, and orders immediately before the commencement of this Act in force within or applicable to the existing borough and existing sanitary district shall (subject to any future repeal or amendment of the same) extend and apply to the borough and the sanitary district.

Town clerk and other officers continued.

6. The town clerk and all other officers and servants of the Corporation, whether as the Municipal Corporation or as the sanitary authority, shall continue to be town clerk, officers, and servants of the Corporation, and shall hold their offices and situations by the same tenure as at the commencement of this Act.

Jurisdiction, &c. of mayor, &c. extended.

7. The jurisdiction, powers, authorities, rights, privileges, and duties of the mayor or any other justice of the peace for the existing borough shall extend to and throughout the borough for all purposes.

Power of Corporation to levy rates.

8. Subject to the provisions of this Act, all borough, general district, and other rates which the Corporation are, under the Municipal Corporation Acts or the Public Health Acts, or any other Act of Parliament, authorised to order, make, or levy, and which, but for the passing of this Act, would be made, raised, and levied throughout the existing borough, shall and may, from and after the commencement of this Act, be made, raised, and levied respectively by the Corporation throughout the borough.

Added area exempt from highway and other rates.

9. On and after the commencement of this Act all lands, houses, tenements, and hereditaments within the added area, and all persons in respect of the same, shall be exempt from—

(*a.*) All highway rates to be made in respect of any parish or township:

(*b.*) All rates to be made by or for the purposes of the rural sanitary authority of such added area, or of any part of such added area:

(*c.*) All liability to county rates or other rates leviable by the justices of the peace of and for the county of Lancaster,

except only to the extent and for the purposes to and for which the existing borough is liable to such rates at the passing of this Act.

Provided that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before the commencement of this Act, but all such rates assessed and payable before that date shall be paid and recovered as if this Act were not passed.

As to rates in added area.

10. No borough rate or general district rate made or levied by the Corporation as such, or as an urban sanitary authority, before the first day of January one thousand eight hundred and eighty, shall apply to the added area, or any part thereof.

For the purposes of any borough rate or general district rate to be made or levied before the expiration of six years from the last day of December one thousand eight hundred and seventy-nine, no occupier or owner, as the case may be, of any lands, houses, and hereditaments situate within the added part of the township of Lower Darwen, or of any land in any part of the added area used only as a railway constructed under the powers of any Act of Parliament, shall be assessed in respect of the same in the proportion of more than one half of the amount to which such owner or occupier would otherwise be assessed in respect thereof.

The occupier of any land situate in any part of the added area, and used only as a railway constructed under the powers of any Act of Parliament, shall be assessed in respect of the same to any borough rate, or any increase or addition to any such rate, made or levied for or in respect of any of the purposes of this Act, in the proportion of one fourth part only of the full net annual value thereof as defined by section 211 of the Public Health Act, 1875.

No borough rate or general district rate shall be assessed or levied upon or in respect of any part of the Eccleshill Coal Mines belonging or reputed to belong to the trustees under the will of James Hodgson, deceased, which is situate in the added area.

Subject to the provisions of this section, all borough rates and general district rates shall be assessed and levied according to the provisions and with the exemptions contained in the Municipal Corporation Acts and Public Health Acts respectively.

Ward lists where ward includes parts of different townships.

11. To avoid delay and difficulty in making out the ward lists in alphabetical order in wards comprising parts of different townships, the town clerk may, if he think fit, cause the names of the persons entitled to be placed in such ward lists to be placed therein alphabetically in respect of each of such parts of such townships, instead of alphabetically in respect of each ward; but nothing in

A.D. 1879.

41 & 42 Vict. c. 26.

this section shall preclude the Council from exercising any power given to them by the Parliamentary and Municipal Registration Act, 1878.

As to apportionment of rates, debts, &c.

12. In relation to the respective property, rights, debts, and liabilities of the Corporation as a sanitary authority, and of the rural sanitary authority of the Blackburn union, within which union the townships of Lower Darwen and Eccleshill are respectively situated, the following provisions shall have effect; (that is to say,)

(1.) The Local Government Board, so soon as conveniently may be after the passing of this Act, shall, on the application of the Corporation or of the rural sanitary authority, apportion, in such manner as the Local Government Board think most equitable, the property, rights, debts, and liabilities of the Corporation as a sanitary authority, and of the rural sanitary authority, in accordance with the determination of the Local Government Board on the following questions; (that is to say,)

(*a.*) Whether the whole or any, and, if any, what part of the separate property (including any unappropriated balances of funds or rates) of the Corporation as a sanitary authority, or of the rural sanitary authority, respectively, shall be retained or applied for the benefit of the existing borough, or of the added area or any part thereof, or of the district of the rural sanitary authority of the Blackburn union, or any part of that district, and whether the whole or any, and, if any, what part of that property shall become the property of the Corporation for the benefit of the borough:

(*b.*) Whether the whole or any, and, if any, what part of the debts or liabilities of any of the constituent parts of the borough, or of the cost of any works or other expenditure for sanitary purposes required therein respectively at the time of apportionment, shall be a charge exclusively on one or more of those constituent parts, or on the borough as a whole:

(*c.*) Whether such parts of the district of the rural sanitary authority as are not comprised within the borough shall be wholly, or to any, and, if any, to what extent relieved from the respective mortgage and other debts (if any) of the rural sanitary authority existing at the time of the apportionment.

(2.) Every apportionment under this section shall be made after such notice and inquiry (if any) as the Local Government

Board think fit, and shall be as binding as if it had been enacted by this Act.

(3.) All expenses incurred by the Local Government Board under this section shall be paid by the Corporation and the rural sanitary authority in such proportions and as and when the Local Government Board direct.

Part II.—Water and Lighting.

Transfer to Corporation of gas and water powers of added area.

13. The Corporation shall buy, and the mayor, aldermen, and burgesses of the borough of Blackburn (herein-after called "the Blackburn corporation") shall, on payment of the price or compensation herein-after in this Act mentioned, sell and transfer to the Corporation, all the pipes, apparatus, stock, plant, machinery, property, and works of the Blackburn corporation connected with the supply of gas within the added area; and upon such sale or transfer taking effect all the rights, powers, privileges, duties, and obligations of the Corporation with respect to the supply of gas and water within the existing borough, and all the provisions of any Acts in relation to such supply within the existing borough, shall extend and apply to the added area; and the added area, and every part thereof, shall thenceforth be included in the limits of the gas and water undertakings of the Corporation, subject as follows; (that is to say,)

(1.) The price or compensation to be paid by the Corporation to the Blackburn corporation in respect of the said sale and transfer shall be twelve thousand six hundred and twenty-six pounds six shillings:

(2.) The Corporation shall take over all the liabilities of the Blackburn corporation subsisting on the first day of November one thousand eight hundred and seventy-nine, so far as such liabilities relate to the supply of gas and water within the added area, but not further or otherwise, and shall perform, and be liable to, and satisfy all the covenants, agreements, duties, and liabilities of the Blackburn corporation with respect to such supply, and shall indemnify the Blackburn corporation and their estates and effects from all such covenants, agreements, duties, and liabilities, and all costs, charges, and expenses by reason thereof, or of the nonperformance or undue performance thereof respectively; and any rates, rents, or sums due or accruing due to the Blackburn corporation for gas supplied in the added area between the thirtieth day of September one thousand eight hundred and seventy-nine and the said first day of November one thousand eight hundred and seventy-nine shall be recoverable and

A.D. 1879.

may be recovered by the Corporation, in their own name or in the name of the Blackburn corporation, in the same manner in all respects as if the transfer had not been made, and as if the Corporation were the Blackburn corporation; and for the purpose of such recovery the Blackburn corporation shall give the Corporation all reasonable facilities for ascertaining the quantity of gas consumed within the period aforesaid:

(3.) The said price or compensation shall be paid by the Corporation to the Blackburn corporation on the first day of November one thousand eight hundred and seventy-nine; and upon payment thereof the said pipes, apparatus, stock, plant, machinery, property, and works shall vest in and become the absolute property of the Corporation; and if the Corporation should from any cause fail to pay the said price or compensation on the first day of November one thousand eight hundred and seventy-nine, they shall pay to the Blackburn corporation interest at the rate of five pounds per centum per annum from the said first day of November one thousand eight hundred and seventy-nine till the date of payment:

(4.) Such sale or transfer shall not affect the liability of any person to any prosecution or proceedings for anything done before the sale or transfer, but such prosecution or proceedings may be commenced or continued in all respects as if such sale or transfer had not taken place, and may be prosecuted or carried on either by the Blackburn corporation or by the Corporation:

(5.) From and after the said sale or transfer all powers of the Blackburn corporation with reference to the supply of gas and water within the added area or any part thereof shall cease:

(6.) The receipt of the Blackburn corporation under their common seal shall be a sufficient discharge to the Corporation for all moneys payable to the Blackburn corporation under this clause:

(7.) The Blackburn corporation shall apply the said sum of twelve thousand six hundred and twenty-six pounds six shillings for purposes to which capital in connexion with their gas undertaking is properly applicable, and to no other purpose, but the Corporation shall not be bound to see to such application:

(8.) The sale and transfer under this section shall be carried into effect by a deed duly stamped and truly stating the

consideration, which deed may be in the form set forth in the Second Schedule to this Act, or to the like effect, with such variations and additions as circumstances require, and such deed shall be prepared and executed at the cost of the Corporation, who shall at the like cost execute and stamp a duplicate of such deed for the Blackburn corporation. If the Corporation do not, within three months from the date of any such sale or transfer, produce to the Commissioners of Inland Revenue such deed of conveyance duly stamped as aforesaid, the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the date of the sale or transfer to the day of payment, shall be recoverable by the said Commissioners from the Corporation, with full costs of suit, and all costs and charges attending the same.

Provisions as to supply of light, heat, &c. by electricity.

14. 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.) In this section the word "street" has the same meaning as in the Public Health Act, 1875; and the expression "place of public resort" means—

(*a.*) Any premises belonging to or used by the Corporation, whether as the municipal or as the sanitary authority:

(*b.*) Any place of public worship, railway station, public slaughter-house, or public theatre:

(*c.*) Any other places of public resort which the Local Government Board from time to time may approve for that purpose.

(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,)

(*a.*) 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:

A.D. 1879.

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

(*c.*) 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:

(*d.*) 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:

(*e.*) 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:

(*f.*) 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:

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

10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

(*h.*) 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:

(*i.*) 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:

(*k.*) 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.

(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 Act: 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.

(5.) All expenses from time to time incurred by the Corporation in carrying this Act 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.

(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, reborrowing, and repayment of borrowed moneys shall extend and apply, mutatis mutandis, to the moneys borrowed under the powers of this section, except that the period for the repayment of such moneys shall be ten years.

(7.) The Corporation shall keep accounts with respect to 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 Act:

A.D. 1879.

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 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.

(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.

(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.

(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.

Repeal of section 47, 32 & 33 Vict. c. xliii., and further provision as to rates for supply of water for

15. Section 47 of the Darwen Waterworks Act, 1869, is hereby repealed, and the Corporation shall, at the request of the owner or occupier of any house or part of a house in any street in which any pipe of the Corporation is or shall be laid, or on the application of any person entitled to demand from the Corporation a supply of water for domestic purposes, furnish to such owner or occupier a sufficient supply of water for domestic purposes, at rates not ex-

ceeding six and a half per centum per annum on the annual rack rent, or, if not let at rackrent, the annual value of the house or part of a house or other premises supplied with water, but the Corporation shall not be obliged to furnish such supply to any owner or occupier for any less sum than ten shillings in any one year when paid in advance, or twelve shillings when in arrear.

domestic purposes.

For the purposes of this section the rackrent shall mean the rent payable by the tenant to his landlord without any deduction or abatement whatsoever in respect of rates, taxes, or any other outgoings which may be paid by the landlord, and the annual value shall mean the net annual or rateable value as ascertained by the valuation list in force for the purposes of the poor rate at the time when the demand for a water rate is made, or if there be no such list, then by the last rate for the relief of the poor.

Defining water for domestic purposes.

16. A supply of water for domestic purposes shall not include a supply of water for gardens, greenhouses, farms, stables, or the like, a supply of water for which shall be paid for either by special agreement or by meter.

Water to be supplied by meter or special agreement to business premises requiring same.

17. No person shall be entitled to require, nor shall the Corporation be bound to supply any dwelling-house or premises with water (otherwise than by meter or special agreement) where any part of such dwelling-house or premises is used for any trade or business purpose for which water is required.

Part III.—Street and other Improvements.

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

18. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (save so far as the same are varied by or inconsistent with this Act,) are hereby incorporated with this Act.

Power to take certain lands.

19. Subject and according to the provisions of this Act, the Corporation may, for the purposes of street improvements or of a market-house, from time to time enter upon, take, and use all or any of the lands delineated on the deposited plans and described in the book of reference.

Limiting period for compulsory purchase of lands.

20. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the commencement of this Act.

Power to take easements, &c. by agreement.

21. Persons by the Lands Clauses Consolidation Act, 1845, empowered to sell and convey or release lands, may, if they think fit, subject to the several 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,

A.D. 1879.

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.

Errors and omissions in plans may be corrected.

22. If any omission, mis-statement, or erroneous description shall have been made of any lands required for the purposes of this Act, or of the owners, lessees, or occupiers of any such lands, in the deposited plans or books of reference, the Corporation may, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, apply to two justices for the correction thereof; and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited with the clerk of the peace for the county in which such lands shall be situated, and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates, and thereupon the deposited plans or books of reference shall be deemed to be corrected according to such certificate, and the Corporation may take any lands or property required by them in accordance with such certificate.

Extinguishment of certain rights of way.

23. All rights of way over any of the lands shown on the deposited plans and described in the deposited books of reference, which shall, under the compulsory provisions of this Act, be purchased or acquired, shall be and the same are by this Act extinguished as from the purchase or acquisition of such lands respectively.

Power to alter levels of streets.

24. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the said street 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 interfered with by or be contiguous to the said improvements, or any of them, and may make widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the new streets or any of them.

Damage to buildings, &c. to be compensated for by Corporation.

25. Where, by reason of the alteration of the level of any street by this Act authorised, any house, building, or premises is or are damaged or otherwise injuriously affected, the Corporation shall, out of the moneys applicable under this Act to new streets, make good the damage done, and pay to the owner and occupier of the house,

building, or premises such compensation as shall be agreed on between the owner and occupier and the Corporation, or, failing their agreement, such compensation as shall be ascertained by arbitration under the provisions of the Public Health Acts.

Power to alter and divert sewers, &c.

26. The Corporation from time to time may alter and divert, either temporarily or permanently, all sewers, drains, mains, and pipes which they find it necessary or convenient to alter or divert for any of the purposes of the street improvements herein-before authorised, making to all persons who sustain any damage thereby compensation in that behalf, such compensation, in case of dispute, to be ascertained by arbitration under the provisions of the Public Health Acts.

Alterations in gas and water pipes, &c.

27. In executing any of the said street improvements the Corporation may raise, sink, or otherwise alter the position of any watercourse, water pipe, or gas pipe belonging to or connected with any building adjoining or near to the site of any such improvement, and also any main or other pipe laid down or used for carrying a supply of water or gas, and also any pipe, tube, wire, or apparatus laid down for telegraphic or other purposes, and may remove any other obstruction, causing as little detriment and inconvenience as circumstances admit, and making full compensation for damage caused by any such alteration.

Copies of deposited plans, &c. to be evidence.

28. Copies of the deposited plans and books of reference, or of any correction thereof or extracts therefrom, purporting to be certified by the clerk of the peace with whom they are deposited, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

Improvement of certain part of River Darwen.

29. The Corporation may from time to time effect the following purposes in reference to that part of the beck or watercourse called the River Darwen which lies between Sough Bridge and the northernmost boundary of the borough (which part is in this Act hereafter referred to as "the said river"); (that is to say,) they may cleanse and scour the same, and may dredge and deepen the course and channel thereof, and may remove banks or other impediments or obstructions to the free flow of the water therein, whether produced by ordinary or extraordinary, and whether by natural or artificial causes, and all obstructions placed on the bed of and all encroachments on or other injuries or nuisances to the banks or bed of the said river; they may pave the bottom or bed of the said river with such materials and in such manner as they may think fit; provided that the Corporation shall not under this Act remove any dam, weir, or work placed and being before the passing of this Act on the bed of the river or its affluents, or any of them, to which any

A.D. 1879.

person has acquired a prescriptive or other right of user before the passing of this Act, but such person shall have the right to use such dam, weir, or work in as full, ample, and beneficial a manner as he heretofore has done or might have done if this Act had not been passed.

Corporation empowered to order retaining walls to be built or rebuilt.

30. The Corporation may, if they think fit, by notice in writing to be served upon the owners of lands, buildings, and hereditaments adjoining or abutting upon the sides of the said river, and any of the affluents of the said river within the borough, require such owners, within a reasonable time, to be named in such notice, to build or rebuild retaining walls on or adjoining the banks of the said river and its affluents, or to restore the banks and walls thereof to such a state as will prevent the flooding of the adjoining lands and buildings, and the falling of soil, refuse, and other matters into the said river or into its affluents, or any of them, and to maintain and keep the said banks and walls in good order and repair for such purposes; and in case of the default of such owners to comply with the terms of such notice, the Corporation may execute such works, and may recover, either summarily or in like manner as private improvement expenses under the Public Health Acts or this Act, all costs, charges, and expenses which may be incurred by them in the execution of such works from such owners respectively, with interest thereon, in proportion to the extent of the frontage to the said river or its affluents of the lands and buildings of such owners respectively, or in such proportions as may be agreed upon between the Corporation and such owners, or as, in case of dispute, may be determined by arbitration under the provisions of the Public Health Acts. A person on whom a notice is served under this section may appeal against the same in the manner provided by this Act with respect to appeals.

Power to alter course of River Darwen with consent of certain owners.

31. The Corporation may, with the consent of the owners of lands abutting on the said river and its affluents, and either with or without making compenstation to such owners, and to the extent of such lands within the borough, make such diversions and alterations in the course of the said river and its affluents as the Corporation may think fit.

As to arching over River Darwen.

32. After the passing of this Act it shall be in the discretion of the Corporation to allow or disallow riparian owners on the said river and its affluents within the borough to arch or cover over the said river and its affluents, or any part thereof, respectively; provided that if the Corporation in the exercise of their discretion should allow the said river or its affluents, or any part thereof, respectively, to be arched or covered over, they may do so, subject

to conditions as to the dimensions, materials, thickness, solidity, and quality generally of the arch or cover to be thrown, placed, or constructed over or across such river or its affluents, or any part thereof, respectively, and may also stipulate that the crown of such arch or cover shall be of a certain height at least above the bottom or bed of the said river and its affluents, or such part thereof respectively as it is intended to arch or cover over. A riparian owner may appeal in the manner provided by this Act with respect to appeals against a refusal of the Corporation to allow him to arch or cover over any part of the said river or of any of its affluents.

Corporation not to be liable except for negligence.

33. Subject to the provisions of the last preceding section, the Corporation shall not be liable to make any compensation to the riparian owners or occupiers of lands, buildings, or hereditaments abutting upon the said river and its affluents, or to any other person whatsoever, by reason or in respect of the exercise and carrying out by the Corporation of the powers hereby conferred, unless such owners or occupiers or other person shall have sustained damage by reason of the negligence of the Corporation or any of their servants in the exercise and carrying out of such powers.

Penalty for causing obstructions in River Darwen.

34. If any person at any time after the passing of this Act within the borough makes or causes to be made any bank, weir, or shoal in or across, or throws or places, or causes to be thrown or placed, any impediment or obstruction to the free flow of the waters in, or any encroachment on, or injury or nuisance to the banks, bed, or waters of the said river and its affluents, or any of them, he shall for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding twenty shillings for every day during which such offence is continued after notice thereof given by the Corporation.

Corporation may sell or lease lands not required by them.

35. Subject to the provisions of this Act, the Corporation, from time to time, if and when they think fit, may sell or exchange all or any part of any lands acquired by them under the provisions of this Act, and not required by the Corporation, or they may lay out the same for building purposes, and sell or exchange the same, or, at their option, they may demise or grant upon lease for any yearly rent, with or without fine, for such estate, term, or interest, and to such persons, and with, subject to, on, and under such reservations, covenants, terms, and conditions, as the Corporation think fit, (and, in case of sale, in consideration of a gross sum, or of an annual rent, or of both, or of any payment in any other form,) all or any part of such lands; and the Corporation may make any such sale or lease by public auction, public tender, or private contract, and with or

A.D. 1879.

without special conditions and stipulations as to evidence or commencement of title, or otherwise, and may fix reserved biddings and prices, buy in at auctions, and alter or rescind, on terms or gratuitously, any contract or agreement for sale or lease, and the consideration or rent fixed thereby, and accept surrender of any lease, and, either before or after such conveyance or lease is granted, may in like manner sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning such lands) of any such lands, and execute and do all deeds and things necessary to effect the several purposes aforesaid. In any case in which, under the provisions of the Municipal Corporations Acts or of this Act, the Corporation have power (with the consent of the Commissioners of Her Majesty's Treasury or otherwise) to sell any lands, such power shall extend to the sale or the granting of building leases of such lands upon chief or ground rent, and to the sale of any chief or ground rents reserved or made payable on the same or any other sale or lease of lands.

Any sum received in respect of the sale of any land or rent, and all premiums and fines on leases under the provisions of this section, shall be carried by the Corporation to capital account, and shall be applied in paying off the debt of the Corporation.

Part IV.—Building and Sanitary Regulations.

Crossings for horses or vehicles over footways.

36. 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 such person, after having obtained the sanction of the Corporation, shall carry the works into effect, at his own expense, under the supervision and to the satisfaction of the surveyor, and not otherwise; and if any person shall drive or permit or cause to be driven any horse or vehicle across any footway, unless and until the same has had such communication as aforesaid made and approved by the Corporation, he shall be liable to a penalty not exceeding forty shillings.

Cellar openings.

37. No coal-shoot or area or cellar opening shall be placed in any new street unless the same be formed of the materials and size and in the manner and be placed in a position approved of by the Corporation.

Levels of ground floor of new dwelling-houses and construction of floors of cellars.

38. The level of the ground floor of every new dwelling-house shall be at least six inches above the level of the footway, street, or court adjoining such dwelling-house at the point where the same adjoins such dwelling-house, and the floor of every cellar in every such dwelling-house shall be laid with flags or some other material to be approved by the Corporation.

Space about buildings.

39. Every new building erected for the purpose of being used as a dwelling-house shall, subject to the provisions herein-after mentioned, have, either entirely at the rear thereof, or, with the consent of the Corporation, entirely at the side thereof, an open space adjoining and exclusively belonging thereto, to the extent at least of one hundred and fifty square feet for a building of not more than twenty feet in height, free from any erection thereon above the level of the ground, and exclusive of any ground used in common for two or more dwelling-houses, and the distance across every part of so much of such open space as is required to make up one hundred and fifty square feet between every such dwelling-house and the building or property on the opposite side of such open space shall be not less than fifteen feet. If such dwelling-house be of greater height than twenty feet above the level of such open space, the area of such open space to be left shall not be less than one hundred and eighty square feet, and the distance across every part of so much of such open space as is required to make up one hundred and eighty square feet shall not be less than twenty feet: Provided always, that when a stable or cow-house is proposed to be erected within thirty feet of any dwelling-house, the Corporation may require an open space to be left as aforesaid, equal to twice the area of such stable or cow-house, in addition to the space herein-before provided for dwelling-houses. Every new building used or intended to be used as a hotel or common lodging-house shall have, in addition to the ventilation space herein provided for dwelling-houses, an additional area of ten superficial feet for every person that the house is intended to accommodate: Provided always, that the Corporation shall not be entitled under this section to require a greater area in the whole than one thousand superficial feet.

In determining, in the case of a dwelling-house of an irregular figure, whether the requirements as to the width across the open space to be left be complied with, such open space shall be considered to be at the rear or side respectively of such dwelling-house according as the rear or side or some part of the rear or side thereof presents the greatest length of frontage to such open space: Provided always, that the Corporation shall be at liberty, in such cases as they may think fit, to waive the requirements aforesaid as to

A.D. 1879.

distance across every part of the open space to be left at the rear or side of any dwelling-house, provided that the area of the open space be in no case less than required as aforesaid.

As to buildings not dwelling-houses.

40. In the case of any new building not being a dwelling-house, which adjoins on one or more sides to any dwelling-house or premises, the Corporation may require all the provisions of this Act in regard to the open space about buildings to be complied with, and may enforce the same as in the case of dwelling-houses.

Heights of chimneys of factories, &c.

41. Every person who intends to erect any building for carrying on the manufacture of paper, cotton, linen, cloth, or any other fibrous material, either in whole or in part, or in the manufacture of gas or chemicals, the coking of coal, the calcining of ironstone or limestone, the making or burning of bricks, earthenware, quarries, tiles, or pipes, the raising of any mines or minerals, the smelting of iron or other ores, the refining, puddling, shingling, and rolling of iron into castings, or the manufacture of glass, or for the purpose of carrying on any trade or business whatever producing more smoke than an ordinary dwelling-house, shall erect and maintain erected a chimney or chimneys of not less than forty yards in height above the level of the ground, except in such cases as the Corporation may consent to a less height, and give their consent in writing, stating the height such chimney or chimneys shall be erected; and all the spent or ejected steam arising or produced in any premises used for any of the manufactures or purposes mentioned in this section shall be discharged into the chimney flue or some similar receptacle, so as not to be an annoyance to the public.

Space about buildings not to be reduced below that required by this Act.

42. Whenever any space has been left belonging to any new building, and whenever any open space has been left belonging to any building erected prior to the passing of this Act, such space shall in each case never afterwards be diminished to a clear superficial area less than that required by this Act in reference to new buildings.

Windows.

43. Every habitable room hereafter built of the area of two hundred and twenty-five superficial feet of floor space or less shall have at least one window, and the total window space clear of the sash frame shall be at least one tenth of the area of the floor; and all rooms of greater extent than two hundred and twenty-five superficial feet of floor space shall have a window space clear of the sash frame of at least one twelfth of the area of the floor, and the height of one at least of the windows measuring from the lower end of the window frame at the top shall not be less than seven feet six inches above the floor, and if a sash window the upper half shall be made to open the full width, and if a casement window

one half of such window shall be made to open: Provided always, that this section shall not extend or apply to any workhouse or prison which may hereafter be erected within the borough.

Rooms over privy, &c.

44. No room built before or after the passing of this Act any portion of which extends immediately over any privy (not being a watercloset), cesspool, midden, or ashpit shall be occupied as a dwelling or sleeping room, or as a workshop or place of habitual employment of any person in any manufacture, trade, or business during any portion of the day or night; and if any person shall, after the expiration of one month after the passing of this Act, occupy or suffer to be occupied as a dwelling or sleeping room any such room, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings for every day during which such room continues to be so let or occupied after notice in writing from the Corporation to discontinue such letting or occupation.

Means of ingress and egress in public buildings.

45. Every owner of a building used or intended to be used as a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, shall provide the same with ample and convenient means of ingress and egress respectively, to be approved by the Corporation.

Deposit in streets of building materials, &c.

46. When any person lays any building materials, rubbish, or other things in any street, he shall deposit the same at such place or places only as the surveyor shall approve; and any person offending against this enactment shall be liable to a penalty not exceeding twenty shillings, and to a further penalty not exceeding twenty shillings for every day during which such offence shall continue

Prohibiting owners or occupiers from obstructing footways, &c.

47. After the passing of this Act it shall not be lawful for any person, without the previous consent of the Corporation, to construct any door or gate way so as to open outwards across any carriageway or footway within the borough, or erect any crane or apparatus for hoisting or lowering goods, or place or make any other like projection or projecting signboard, at or from any building over any part of any such carriageway or footway; and every person after the passing of this Act so constructing any such door or gate way, erecting any such crane or apparatus, or placing or making any such projection or projecting signboard, shall for every such offence be liable to a penalty not exceeding twenty shillings, and to a further penalty not exceeding twenty shillings for every day during which the offence is continued. Any person aggrieved by the refusal of the Corporation to give a consent under this section may appeal against such refusal in the manner provided by this Act with respect to appeals.

A.D. 1879.

Preventing dangerous projections. 10 & 11 Vict. c. 34.

48. Sections 69 and 70 of the Towns Improvement Clauses Act, 1847, incorporated with the Public Health Act, 1875, shall, with respect to the borough, extend and apply to any crane or apparatus for hoisting or lowering goods, or any other like projection from or at any building, and whether erected before or after the passing of this Act, which, in the opinion of the Corporation, is dangerous or is an obstruction to the safe and convenient passage along any street within the borough. Any person aggrieved by any notice or order of the Corporation under this section may appeal against the same in the manner provided by this Act with respect to appeals.

Plans of buildings, &c. to be submitted in duplicate to Corporation.

49. All plans and sections submitted to the Corporation for the erection of a new building, or for alterations of or additions to any new building, shall be in duplicate, and one copy shall be retained by the Corporation; and the sanction of the Corporation to any such plans and sections shall be null and void if the erection of the work so sanctioned shall not have been commenced within one year after such sanction, or, if commenced, are not proceeded with in such manner as the Corporation shall reasonably deem satisfactory.

Regulations as to vaults, &c.

50. Every vault, arch, cellar, or other excavation under any footway or carriageway shall be made and constructed of such materials and in such manner as the Corporation shall consider necessary for the protection of the public, and so as not to interfere with the sewers, drains, or water or gas or lighting supply of the borough. When and so often as any vault, arch, cellar, or other excavation now or hereafter constructed shall be ruinous, decayed, or dangerous, it shall be lawful for the Corporation to give notice to the owner thereof, requiring him forthwith sufficiently to fence, stay, shore, or protect the same, and also, within a time to be specified, to reconstruct or sufficiently repair the same. If any vault, arch, cellar, or other excavation shall be made contrary to this enactment, or if any owner shall fail, after notice as aforesaid, to fence, stay, shore, protect, or repair any ruinous, decayed, or dangerous vault, arch, cellar, or excavation after notice as aforesaid, the owner of every such vault, arch, cellar, or excavation shall be liable to a penalty not exceeding five pounds for every day during which any such misfeasance or nonfeasance shall continue.

Preventing shops and other places of business being improperly used for purposes of habitation.

51. The use of any building or part thereof for the purposes of habitation, where such building has been described in any plan which has been or shall be submitted to and passed by the Corporation or any committee thereof as a shop, workshop, shed, or place of business, on the terms that such building or part is not intended to be used for the purposes of habitation, shall be deemed and taken to be an offence against the building regulations of the borough, committed on the day when such user shall be detected; and every

person so using such building or permitting the same to be so used shall for every such offence be liable to a penalty not exceeding twenty shillings, and a like penalty for every day during which such offence shall continue.

It shall be lawful for the mayor for the time being of the borough, or his deputy, by warrant under his hand, to authorise the surveyor, inspector of nuisances, or other officer of the Corporation at any time to enter upon and examine any premises suspected of being misused as aforesaid. Every person who shall obstruct such surveyor, inspector, or officer so authorised from making such inspection shall be liable to a penalty not exceeding forty shillings.

Certificate of fitness of new houses for habitation.

52. No new building shall be occupied as a dwelling-house until the drainage thereof has been made and completed, nor until such building has after examination been certified in writing by or on behalf of the surveyor to be fit for human habitation; but if the surveyor shall for seven days after notice to him neglect or fail to make such examination, such building may be so occupied until the same shall have been examined and certified to be unfit for human habitation.

Any person who shall let any new house, or part of any new house, before the same is certified, or after a certificate under this enactment has been refused, or a certificate of unfitness has been given, shall be liable to a penalty not exceeding forty shillings for so doing, and also to a continuing penalty not exceeding ten shillings for every day on which the house or part continues to be occupied or let in contravention of this section.

Buildings unfit for human habitation.

53. In any case where it is certified to the Corporation by their surveyor or officer of health, or by any two qualified medical practitioners, that any building or part of a building is unfit for human habitation, the Corporation may, at the expiration of seven days after notice served upon the owner of such building, or part of such building, by their order affixed conspicuously on the building or part of the building, declare that the same is not fit for human habitation, and such building or part of a building shall not, after a date to be specified in such order, be inhabited; and any person who, after the date or time mentioned in such order, lets, continues to let, or knowingly suffers to be occupied such building or part of a building, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same is let or occupied: Provided always, that if at any time after such order made the Corporation shall be satisfied that such house has become or been rendered fit for human habitation, they may revoke their said order, and the same shall thenceforth cease to operate. Any person on whom a notice is served under this section may

A.D. 1879.

appeal against the same in the manner provided by this Act with respect to appeals.

As to demolition, &c. of improper buildings, &c.

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

Power to Corporation to enter and inspect premises.

55. The Corporation, by their officers and servants, may at all reasonable times between the hours of nine in the morning and four in the afternoon, and after twenty-four hours notice to the occupier of the premises, or, if there is no occupier, to the owner, from time to time enter upon any lands or buildings for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act or any byelaw for the time being

in force within the borough have been complied with, or whether anything prohibited by this Act or by any such byelaw is being done or suffered, or for the purpose of carrying into execution any of the powers contained in this Act or in any such byelaw, without being deemed trespassers, or liable to any action, indictment, or other proceeding on account thereof.

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

56. Whenever by this Act, or any byelaws for the time being in force within the borough, or any notice or order of the Corporation, any work, act, or thing is required to be done by any owner, occupier, or other person, and default is made therein, or if any such work, act, or thing is improperly or insufficiently done, the Corporation may cause such work, act, or thing to be executed, re-executed, or done, (as the case may require,) and also whenever any work, act, or thing is by this Act, or by any such byelaw, notice, or order as aforesaid, prohibited being done, and nevertheless is done, the Corporation may remove, abate, or alter the work, act, or thing so done; and the expenses incurred by the Corporation in any such case shall be settled by the surveyor, and be repaid to them by the person making default in the execution or doing of, or improperly or insufficiently or unlawfully executing or doing, such work, act, or thing, as the case may be, notwithstanding any penalty may be imposed upon such person by this Act or any such byelaw.

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

57. Whenever the Corporation or their surveyor are by this Act, or any byelaws for the time being in force within the borough, authorised to execute, re-execute, or alter any work, act, or thing in default of the owner, occupier, or other person required to do such work, act, or thing, the Corporation shall not be liable to pay any damages, penalties, costs, charges, or expenses for or in respect of or consequent upon the executing, re-executing, or altering such work, act, or thing, except damages arising from any neglect or default by the Corporation or their officers in or about the executing, re-executing, or altering of such work, act, or thing.

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

58. Whenever default is made by the owner of any building or lands in the execution of any work by or by virtue of this Act or any byelaws for the time being in force within the borough required to be executed by him, the occupier of such building or lands may, with the approval of the Corporation, cause such work to be executed, and the expense thereof shall be repaid to the occupier by the owner, and the occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to the owner.

Enforcement of provisions of this part of this Act.

59. The Corporation from time to time may provide for the observance of any of the provisions of this part of this Act for the breach of which no penalty is provided in this Act by byelaws

A.D. 1879.

containing any such provisions as under section 157 of the Public Health Act, 1875, they are authorised to enact for providing for the observance of such byelaws as are in that section mentioned, or by byelaws imposing penalties not exceeding forty shillings for every such breach, and a further continuing penalty not exceeding ten shillings for every day during which such breach continues.

Appeals.

60. In any case in which it is provided by any section contained in this part of this Act that a person shall have a right of appeal, the provisions of section 269 of the Public Health Act, 1875, with respect to appeals against orders or convictions, shall apply to such appeal as if the notice, order, matter, or thing appealed against were an order or decision of a court of summary jurisdiction.

Exemptions for buildings of railway companies.

61. The provisions in Part IV. of this Act shall not extend or apply to any lands nor (except as to any building used or occupied exclusively as a dwelling-house) 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.

Part V.—Private Improvement Expenses and Charges.

Expenses due from owners to be a charge on premises.

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

Successive owners to continue liable.

63. Successive owners of the lands, houses, or other property for or in respect of which any such expenses as are referred to in the last preceding section have been incurred shall be liable to the Corporation for the payment of the same, or such part thereof as may for the time being remain unpaid, until the same, with interest thereon as herein-after mentioned, shall have been fully paid and satisfied; and such expenses, or such part thereof as may for the time being remain unpaid, shall constitute a debt due from each successive owner to the Corporation, recoverable from him in a summary manner within six calendar months of his succession, and

after that period may be recovered by the Corporation from the owner for the time being of the lands, houses, or other property, by action at law in any court of competent jurisdiction to entertain an action for recovery of the amount of such debt.

Surveyor's apportionment of expenses payable by owners to be conclusive unless objected to within one month.

64. In all cases where the Corporation have incurred private improvements expenses, for the repayment whereof the owner or occupier of the lands, houses, or other property for or in respect of which the same are incurred is liable, and such expenses have been settled or apportioned by the surveyor as payable by such owner or occupier, such settlement and apportionment shall be binding and conclusive upon such owner or occupier, unless, within the expiration of one calendar month from the time of written notice being given by the Corporation or their surveyor of the amount of the proportion so settled by the said surveyor to be due from such owner, he shall by written notice object thereto, and state the particulars and grounds of his objection, and thereupon such respective amounts shall be settled or apportioned by the justices or court before whom the same expenses are recoverable.

Interest on such expenses.

65. Notwithstanding any such objection as in the last preceding section mentioned, the expenses therein referred to shall, if not paid within one month after demand thereof by the Corporation, bear interest from the expiration of such month after the rate of five per centum per annum; and such interest shall be recoverable by the Corporation with the same expenses and in like manner as they are recoverable.

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

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

(1.) The Corporation may enter into receipt of, and demand and receive from tenants and occupiers and persons liable, the rents and profits of such building or lands, and in case of nonpayment may use all or any such lawful remedies, by way of ejectment for nonpayment of rent, distress, or otherwise, for recovering and obtaining payment of the

A.D. 1879.

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 cashier or of any officer of the Corporation appointed in that behalf shall be, and shall alone be, an effectual discharge for the same: Provided that in cases where any owner is also the occupier of such lands and buildings the sum payable by him as rent to the Corporation under this section shall be calculated on the gross annual value at which such lands and buildings are assessed to the relief of the poor at the time of such entry by the Corporation.

(2.) Where any such building or lands is or are unoccupied or unproductive at the time when the Corporation would be entitled under this Act to enter into the receipt of the rents and profits thereof (if any), or at any time afterwards while the claim of the Corporation is unsatisfied, then and in every such case, and as often as the same happens, the Corporation may enter into possession of the building or lands, and may occupy and use the same, or any part thereof.

(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.

67. 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,

I. There shall be paid thereout—

(*a.*) Any chief or ground rent payable in respect of the building or lands;

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

(*c.*) Interest and principal due in respect of any mortgage debt charged wholly on such building or lands, and ranking in priority to such expenses; and

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

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

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

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

68. Whenever the Corporation are by this Act or any byelaw for the time being in force within the borough authorised to execute, re-execute, or alter any work, act, or thing, in default of the owner, occupier, or other person required to do the same, and whenever the Corporation execute any works upon the application of or by agreement with the owner of the lands, houses, or other property for or in respect of which the same are to be executed, the Corporation may apply the general district fund in or towards the executing, re-executing, or altering of such work, act, or thing; but this section shall not affect the liability of any such owner, occupier, or other person to repay the moneys expended by the Corporation.

Penalty on occupiers preventing owners carrying out provision of Act.

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

Saving for special contracts between landlords and tenants.

70. Nothing in this Act shall alter the liabilities respecting the payment of any rates or expenses made payable and recoverable by this Act, or any byelaw for the time being in force within the borough, of any owner and occupier, as between themselves under any special contract relative thereto.

Powers of Act to be in aid of Public Health Acts.

71. The powers conferred upon the Corporation by this part of this Act shall be in aid and not in derogation of the powers conferred upon them by the Public Health Acts.

A.D. 1879.

Part VI.—Cesspools and Privies.

Provision as to filling up cesspools, &c.

72. If it appear to the Corporation, by the report of their surveyor, or inspector of nuisances, or medical officer of health, that any cesspool used at the passing of this Act as a receptacle for excreta or fœces, or for the whole or any part of the drainage of any house or part of a house within the borough, or any ashpit belonging to any such house or part of a house, is prejudicial to health, or is inconveniently situated, or is ill-constructed, or is not water-tight, or that for other sanitary reasons it is desirable that the same should be filled up or removed, the Corporation may, if they think fit, by written notice, require the owner or occupier of such house or part of a house, within a reasonable time, to be specified in such notice, to cause such cesspool or ashpit to be filled up or removed, and any drain communicating with such cesspool to be effectually disconnected, destroyed, and taken away; and in cases where it appears by such report that any cesspool or ashpit is used in common by the occupiers of two or more houses or parts of houses, such notice for the filling up or removal of such common cesspool or ashpit may be served on any one or more of the owners or occupiers respectively who have the right to use the same cesspool or ashpit.

Other cesspool, &c. accommodation to be provided.

73. If, by reason of the filling up or removal of any cesspool or the removal of any ashpit under the foregoing enactment, any house or part of a house within the borough would cease to be provided with sufficient water-closet or privy accommodation, or with a proper ashpit or ashplace, the Corporation may, by the same or another similar notice, require the owner or occupier of such house or part of a house, within a reasonable time therein specified, to provide sufficient water-closet or privy accommodation, and proper ashpit or ashplace, or either of them, as the case may require. If any such notice as is mentioned in this and the preceding section is not complied with, or is not fully complied with, the Corporation may, at the expiration of the time specified in the notice, do any work thereby required to be done which has not been done by the owner or occupier, and may recover in a summary manner from the owner, or, if there be more than one owner, from the owners, in such shares and proportions as shall be apportioned and determined by the surveyor to the Corporation, the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses, when the same shall be a charge upon the premises in respect of which the work has been done, and may be recovered from the owner or owners for the time being of the said premises as and when any instalment of such expenses shall become due and payable

under such order, together with interest on the amount for the time being remaining due and owing, not exceeding five pounds per centum per annum. All the provisions of this Act with respect to private improvement expenses shall apply to such expenses as are mentioned in this section.

Summary power for providing sinks and drains for dwelling-houses.

74. In addition to all powers vested in the Corporation, the Corporation or any committee of the Council may, if the surveyor shall report in writing to the Corporation or to any such committee that any dwelling-house is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such dwelling-house, by notice under the hand of the mayor or town clerk for the time being, require the owner of such dwelling-house, in the manner and within the time to be specified in such notice, to provide such sink, drain, or other appliances. If any such owner shall neglect to comply with such notice within the time therein appointed, he shall be liable for every such offence to a penalty not exceeding five pounds, and a further penalty of the like sum for every day during which such offence shall continue.

Water-closets, &c. to be subject to approval of Corporation.

75. The situation, dimensions, materials, method or system of construction, and the actual construction, of every water-closet, earth-closet, privy or ashplace, erected or constructed within the borough after the passing of this Act, shall be subject in all respects to the approval of the Corporation, who shall from time to time have the power to decide upon the adoption of a uniform system for the construction of all privies and ashplaces within or throughout the borough: Provided that where the Corporation under this section require the alteration or removal of any privy or ashplace which they have previously approved, or which has been constructed on any system approved by them (whether before or after the passing of this Act), all the expense of such alteration or removal shall be paid by the Corporation.

Construction of pipes from slop-stones.

76. Every pipe from any slopstone in a building, whether erected before or after the passing of this Act, shall be carried through the external wall of such building, and shall be constructed so as to discharge in the open air, outside such building, over a channel leading into a drain or sewer, and every such drain or sewer shall be trapped in a manner to be approved by the Corporation; and every person who offends 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 during which the offence continues: Provided always, that, with respect to a building erected before the passing of this Act, the above penalties shall not be enforced unless default has been made for fourteen

A.D. 1879.

days in complying with a notice from the Corporation requiring the owner or occupier of such building to comply with the provisions of this section.

Prevention of nuisances.

77. If any middenstead, ashpit, privy, or water-closet within the borough, used in common by the inmates of any premises used as a separate dwelling, and also by any other persons, or the approaches to, or the walls, floors, seats, or fittings of any such middenstead, ashpit, privy, or watercloset, or any of them, is or are, in the opinion of the Corporation, or of their surveyor or medical officer of health, in such a state or condition as to be a nuisance or annoyance to any inhabitant of the borough for want of the proper cleansing thereof, the persons having the use thereof in common as aforesaid shall severally be liable to pay a penalty not exceeding ten shillings each, and a further penalty not exceeding five shillings for every day during which the same shall remain in such state or condition.

Penalty.

78. Any person offending against any of the preceding provisions contained in this part of this Act shall, except as otherwise provided, forfeit and pay for every such offence a penalty not exceeding twenty shillings, and in case of a continuing offence a further penalty not exceeding five shillings for each day during which such offence shall continue.

Penalty on workmen.

79. If any workman, labourer, servant, or other person employed in or about any new works wilfully, and without the privity or consent of the owner or person causing such work to be done, does anything in or about such works contrary to the provisions herein contained, he shall for each offence incur a penalty not exceeding twenty shillings.

Part VII.—Borrowing Powers.

Corporation may borrow money for purposes of this Act.

80. The Corporation, in addition to any sums which they are authorised to borrow under any other Acts, may from time to time borrow at interest, for the several purposes of this Act, the sums following; (that is to say,)

(i.) For the improvement of the River Darwen, such sum or sums as may be requisite, not exceeding in the whole fifteen thousand pounds:

(ii.) For street improvements, including the repaving of Railway Road and Market Street, such sum or sums as may be requisite, not exceeding in the whole twenty thousand pounds:

(iii.) For the cemetery, such sum or sums as may be requisite, not exceeding in the whole twelve hundred pounds:

(iv.) For payment of the purchase money of the lands for the purposes of a town hall and other municipal offices and

buildings, and for payment of the expense of erecting such town hall, offices, and buildings, such sum or sums as may be requisite, not exceeding in the whole forty thousand pounds:

(v.) For payment of the purchase money for the land for the purposes of a market-house, and for payment of the expense of erecting such market-house, such sum or sums as may be requisite, not exceeding in the whole twenty-five thousand pounds:

(vi.) For payment of the expense of improving, laying out, and fencing a public park or recreation ground, such sum or sums as may be requisite, not exceeding in the whole sixteen hundred pounds:

(vii.) For payment of the sums payable by the Corporation to the mayor, aldermen, and burgesses of the borough of Blackburn in respect of the purchase by the Corporation of the property and rights of the said mayor, aldermen, and burgesses in connexion with their gas and water undertakings in the added area, such sum or sums as may be requisite, not exceeding in the whole thirteen thousand five hundred pounds.

The said fourthly-mentioned sum shall be borrowed on the security of the borough fund or rate, and the Corporation may mortgage the borough fund or rate for the repayment of the said sum with interest and the other herein-before mentioned sums respectively shall be borrowed on the security of the general district fund and rate, and the Corporation may mortgage that fund and rate for the repayment of the said sum with interest.

Further borrowing powers.

81. The Corporation may, in addition to the moneys which they are authorised to borrow under the last preceding section, from time to time, with the approval of the Local Government Board, borrow at interest, on the security of the general district fund and rate, such sums of money as they may require for the execution of any of the other purposes of this Act.

Power to apply profits of water and gas undertakings.

82. The Corporation from time to time may apply towards all or any of the purposes of this Act any moneys belonging to them, and being profits of the revenue accounts of their water and gas undertakings.

Mode of borrowing.

83. Subject to the provisions of this Act, the Corporation may raise all moneys which they are by this Act authorised to borrow either under and subject to the provisions as to borrowing of the Public Health Acts, or by debentures, debenture stock, or annuity certificates under and subject to the provisions of the Local Loans

A.D. 1879.

38 & 39 Vict. c. 83.

Act, 1875, or partly in one way and partly in another, as they think most expedient.

Period for repayment of loans.

84. All sums borrowed by the Corporation under this Act on the security of the borough fund and rate shall be repaid within sixty years after the same are respectively borrowed. All sums borrowed by the Corporation under this Act on the security of the general district fund and rate shall be repaid within thirty years after the same are respectively borrowed. The mode of repayment shall, in either case, be by instalments or a sinking fund, as the Corporation think fit, and, if and so far as the Corporation do not otherwise determine, shall be by instalments, and such instalments shall be equal half-yearly payments on account of principal and interest. Provided that the Corporation, if they think fit, may from time to time direct, in respect of any sum, that such sum shall be paid off and not reborrowed, and in that case they shall not be bound, in respect of that sum, to make any further provision for instalments or sinking fund, except so far as may be necessary to provide for the extinction of the whole debt within the time limited by this Act.

Consolidation of debts.

85. All sums which, before the passing of this Act, have been borrowed by the Corporation solely on the security of the general district rate and fund, or which may be, after the passing of this Act, borrowed on the same security under authority obtained before the passing of this Act, and which are then outstanding, (except sums borrowed from the Public Works Loan Commissioners,) shall, for the purposes of this Act with respect to reborrowing and to repayment by instalments or sinking fund, be deemed (subject to the provisions of this Act as to priority of mortgages) to have been borrowed under this Act, and the amount thereof shall be added to the sum by this Act authorised to be borrowed on the security of the general district fund and rate, and shall (subject as aforesaid) form, with any moneys to be borrowed under the provisions of the Act on that security, one consolidated debt; and as and when any such sums borrowed before the passing of this Act are paid off, they shall not be reborrowed unless under and according to the provisions of this Act.

Power to reborrow.

86. The Corporation from time to time may reborrow under this Act any sums borrowed by them and paid off, otherwise than by instalments or a sinking fund, or out of the proceeds of the sale of land or rents, or out of premiums or fines on leases: Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made.

Application of moneys borrowed.

87. Any moneys to be borrowed after the passing of this Act, under the powers of this Act, shall be applied for the purposes for which they are borrowed, and generally for objects to which capital is properly applicable, and for no other purpose.

Form of mortgages.

88. Mortgages and transfer of mortgages under this Act may be made in accordance with the forms authorised by the Public Health Act, 1875, or to the like effect.

Priority of existing mortgages.

89. The mortgages granted by the Corporation, as the Corporation or as the sanitary authority respectively, before the passing of this Act, and in force at the passing of this Act, shall, while in force, and with respect to the fund or rate comprised in such mortgages respectively, have priority over all mortgages granted under this Act on the security of the same fund or rate.

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

90. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid as an instalment 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 by way of instalment or 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 any interest thereon, have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corporation have failed to pay any 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 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 Her Majesty's High Court of Justice.

Part VIII.—Miscellaneous.

Application to borough of 38 & 39 Vict. c. 36.

91. The Artizans and Labourers Dwellings Improvement Act, 1875, shall apply to the borough.

A.D. 1879.

Power to allow discount from rates.

92. The Corporation, if they think fit, by any general order applying to all rateable premises within the borough, may from time to time allow discounts, not exceeding ten per centum, in respect of the prepayment or prompt payment of the borough rate or general district rate. No parliamentary, municipal, or other franchise or privilege shall be prejudiced or affected by any such discount.

For preventing obstruction in streets.

93. No goods, merchandise, or articles whatsoever shall be allowed to rest or remain on any part of any carriageway within the borough, or be otherwise allowed to cause obstruction, annoyance, or inconvenience to the passage of the public along any carriageway, for a longer time than is absolutely necessary for loading or unloading; and every person doing any act in contravention of this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Corporation may make byelaws.

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

(1.) The government, control, and management of the public parks and recreation grounds belonging to the Corporation, and the preservation of order and good conduct among persons using or frequenting the same:

(2.) The regulation of traffic in the streets and public places within the borough, and the prevention of obstructions and nuisances in such streets and public places:

(3.) The probibition of down spouts discharging water on streets or pavements:

(4.) The regulation of a fire brigade, and of the charges to be made for the services thereof:

(5.) The licensing and regulation of hackney carriages, and the drivers thereof, standing or plying for hire within or from, or from and to, the borough, including the regulation of fares and charges for passengers and luggage:

And the Corporation may impose penalties for the breach or non-observance of such bye-laws, not exceeding forty shillings for each offence.

Any such byelaws may provide for the recovery of penalties from owners of buildings or premises in respect of which any breach of such byelaws is committed, and either in the first instance or in default of payment by the occupier.

All byelaws made under the powers of this Act shall be made subject and according to the provisions of the Public Health Act relating to byelaws; provided that no byelaws made under the provisions of sub-section (2) or (5) shall apply to any private ground,

or within the curtilage or boundary of any railway station or station approaches connected therewith.

As to recovery of penalties.

95. All penalties imposed by or under the authority of this Act, or of any byelaws made under this Act, shall be recoverable in the same manner in all respects as penalties are recoverable under the Public Health Act, 1875.

Authentication of notices, &c.

96. Any notice or other document under this Act may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Corporation, a signature purporting to be the signature thereof by the town clerk, or the surveyor, or other proper officer on behalf of the Corporation, shall be sufficient authentication.

Commencement of Act.

97. This Act shall come into operation on the first day of November one thousand eight hundred and seventy-nine, which day is herein-after in this Act referred to as "the commencement of this Act:" Provided—

(1.) That as to all proceedings or things to be done or taken, whether within the added area or the existing borough, in or towards the preparation, revision, and completion of the burgess list, burgess roll, or other lists to be made under the Municipal Corporation Acts or the Parliamentary and Municipal Registration Act, 1878, and for all purposes of nominations for or otherwise preliminary or incidental to municipal or other elections (including the appointment of polling districts) to be held in or after November one thousand eight hundred and seventy-nine, this Act shall come into operation immediately on the passing thereof; and

(2.) That for the purposes of any such burgess list, burgess roll, and other lists, and of the functions of overseers, and the mayor, town clerk, and revising assessors under the Municipal Corporation Acts or the Parliamentary and Municipal Registration Act, 1878, in relation thereto respectively, and for the purposes of occupation, rating, or any other matter of qualification within or with reference to the added area, that area shall be deemed to have always formed part of the borough; and for these purposes this Act, and the Municipal Corporation Acts, and the Parliamentary and Municipal Registration Act, 1878, shall have effect as if the alteration of wards and the increase in the number of aldermen and councillors took effect on and after the passing of this Act.

A.D. 1879.

Saving rights of Corporation.

98. Nothing in this Act shall take away, abridge, or prejudicially affect any right, power, authority, estate, or interest of the Corporation under any former Act or charter, or the Public Health Acts, or the Municipal Corporation Acts, or otherwise; and every such right, power, authority, estate, and interest may be had, enjoyed, and exercised by the Corporation as fully and effectually as if this Act had not been passed.

Expenses of Act.

99. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the 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 by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Corporation equally out of the borough fund and general district rate of the borough respectively, or out of moneys borrowed on the security thereof under the powers of this Act.

The FIRST SCHEDULE referred to in the foregoing Act.

DESCRIPTION of the BOUNDARIES of the parts of the townships of Lower Darwen and Eccleshill added to the borough of Over Darwen.

So much of the township of Lower Darwen as lies to the south of the following boundary line; (that is to say,)

A boundary line starting from a point (at which a merestone shall be fixed) on the northerly side of the public highway at Peak Brow, where the existing boundary of the said township of Lower Darwen intersects the said highway; and thence proceeding in an easterly direction along the northern side of the said highway to the point where the said highway turns in a southerly direction, almost at right angles immediately above Higher Bog Heights; and thence proceeding in a straight line in a due easterly direction to the point where such straight line intersects the highway called Sandy Lane on its easterly side (at which point a merestone shall be fixed); and thence proceeding in a straight line in a south-easterly direction to the point (at which a merestone shall be fixed) where the existing boundary of the said township intersects the Davy Field Brook nearest the confluence of the same brook with the River Darwen.

So much of the township of Eccleshill as lies between the present borough, including the above-described part of Lower Darwen, and the following boundary line; (that is to say,)

A boundary line starting from the point (at which a merestone shall be fixed) where the present boundary of the borough joins the north-easterly side of the public highway leading through the said township from Blacksnape to Eccleshill Fold, such point being about one hundred yards in a south-easterly direction from the junction of Harwood's Lane with the said highway; and thence proceeding in a north-westerly direction along the north-eastern side of the said highway to a point thereon (at which a merestone shall be fixed) three hundred and eighty-one yards or thereabouts from the junction of Pott House Lane with the said highway; and thence proceeding in a straight line in a westerly direction to the point (at which a merestone shall be fixed) where such straight line intersects the easterly side of the road called Lower Eccleshill Lane, at the southern end of the bridge known as Goosehouse Bridge, which carries that road over the Lancashire and Yorkshire Railway; and thence proceeding in a northern direction along the eastern side of the said road to a point (at which a merestone shall be fixed) where the same intersects the northern boundary of the said township at or near to Davy Field Bridge.

A.D. 1879.

The SECOND SCHEDULE referred to in the foregoing Act.

Form of Deed of Conveyance.

In pursuance of and subject to the provisions of the Over Darwen Improvement Act, 1879, and in consideration of the sum of 12,626*l.* 6*s.*, the receipt of which is hereby acknowledged by the mayor, aldermen, and burgesses of the borough of Blackburn, the said mayor, aldermen, and burgesses do hereby convey and assign to the mayor, aldermen, and burgesses of the borough of Over Darwen all the pipes, apparatus, stock, plant, machinery, property, and works of the said mayor, aldermen, and burgesses of the borough of Blackburn, connected with the supply of gas within that part of the township of Lower Darwen which is by the said Act added to the borough of Over Darwen, and all their rights, powers, privileges, duties, and obligations with respect to the supply of gas and water within the said part of the said township, subject and according to the provisions of the said Act: And the mayor, aldermen, and burgesses of the borough of Over Darwen do hereby accept the same accordingly.

In witness, &c.

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