CHAPTER lxxii.

An Act to confer further powers upon the Corporation of Preston with reference to the Ribble Navigation to authorise the Corporation to construct new streets and additional tramways to confer upon the Corporation further powers with reference to their water undertaking to make better provision for the health local government and finance of the borough of Preston and for other purposes. [31st July 1914.]

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WHEREAS the borough of Preston is a municipal and county borough under the management and local government of the mayor aldermen and burgesses of the borough acting by the council (in this Act called "the Corporation"):

And whereas under the Ribble Navigation Acts 1853 to 1905 the Corporation are the port and harbour authority of the port and harbour of Preston and have constructed various training walls and other works for the protection and benefit of the said port and harbour and it is expedient that the Corporation should be authorised to construct the new training wall in this Act described for the purpose of more efficiently maintaining the access to the Lytham Dock:

And whereas it is expedient that the Corporation should be empowered to construct the new streets and other works within the borough and to acquire the lands in this Act mentioned or referred to:

And whereas it is expedient that new tramways should be constructed for the purpose of extending and improving the existing tramway system of the Corporation and that all necessary powers for that purpose should be conferred upon the

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Corporation and that the Corporation should be empowered to run omnibuses within the borough:

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their water undertaking:

And whereas the Preston Burial Board were duly constituted under the Burial Acts 1852 to 1906 and the burial board are the owners of a cemetery situate in the borough and it is expedient that the Corporation should become the burial authority for the borough and that provision should be made as in this Act contained for transferring to the Corporation the powers rights and properties of the burial board and for vesting the same in the Corporation and for dissolving the said board:

And whereas it is expedient that further and better provision should be made with reference to streets buildings and sanitary matters and for the local government health and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended:

And whereas the following adoptive Acts and Part of Act are in force within the borough (that is to say):—

The Public Health Acts Amendment Act 1890 (Part III.);

The Infectious Disease (Prevention) Act 1890;

The Public Libraries Acts;

The Baths and Washhouses Acts; and

The Notification of Births Act 1907:

And whereas the Corporation have applied for Orders declaring Part V. and certain sections in Parts II. III. IV. VII. VIII. and X. of the Public Health Acts Amendment Act 1907 to be in force within the borough:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

	£
For the purposes of the training wall by this Act authorised the dredging and deepening of the River Ribble and the general purposes of the Ribble Navigation - - - -	210,000
For the purchase of lands for and for the construction of the new streets by this Act authorised - - - - -	33,000

	£
For the construction and electrical equipment of the tramways by this Act authorised - -	26,000
For the purchase of the moiety of Penwortham Holme by this Act authorised - - -	5,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Preston Corporation Act 1914.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Ribble Navigation.
Part III.—Street Improvements &c.

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Part IV.—Tramways.
Part V.—General Provisions as to Lands and Works.
Part VI.—Water.
Part VII.—Burial Authority.
Part VIII.—Streets and Buildings.
Part IX.—Sewers and Drains.
Part X.—Infectious Disease and Sanitary Provisions.
Part XI.—Common Lodging-Houses.
Part XII.—Markets and Slaughter-Houses.
Part XIII.—Police.
Part XIV.—Finance.
Part XV.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and parts of Act so far as they are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

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

Interpretation.

4. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have the same respective meanings and the expressions—

"The borough" means the borough of Preston;

"The Corporation" means the mayor aldermen and burgesses of the borough and so far as regards so much of this Act as relates to the Ribble Navigation means the mayor aldermen and burgesses of the borough whether acting under the provisions of the Municipal Corporations Acts or in the execution of the Acts relating to the port and harbour of Preston;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the medical officer" "the surveyor" and "the inspector of nuisances" mean respectively the town clerk the treasurer the medical officer of health the surveyor and any inspector of nuisances of the borough and "medical officer"

includes any person duly appointed by the Corporation to discharge temporarily the duties of a medical officer of health;

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

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

"The Act of 1896" means the Ribble Navigation Act 1896;

"The Act of 1900" means the Preston Corporation Act 1900;

"The Act of 1902" means the Preston Corporation Act 1902;

"The Act of 1904" means the Preston Corporation Water Act 1904;

"The street improvements" means the new streets and widening of street by this Act authorised;

"The tramways" means the tramways by this Act authorised;

"The Corporation tramways" includes the tramways and the existing tramways of the Corporation;

"The tramway undertaking" means the tramway undertaking of the Corporation for the time being authorised;

"The water undertaking" means the water undertaking of the Corporation for the time being authorised;

"The limits of supply" means the limits for the time being for the supply of water by the Corporation;

"The burial board" means the Preston Burial Board;

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the borough;

"Daily penalty" means a penalty for every day on which any offence is continued after conviction;

"The harbour revenue" means and includes all moneys (other than borrowed moneys and other moneys in the nature of capital) payable to the Corporation by virtue of the North Union and Ribble Navigation Branch

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Railway Act 1845 the Ribble Navigation Acts 1853 to 1905 and so much of this Act as relates to the Ribble Navigation;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

Execution of Act.

5. This Act shall be carried into execution by the Corporation acting by the council.

PART II.

RIBBLE NAVIGATION.

Power to construct training wall.

6. Subject to the provisions of this Act the Corporation may in the county palatine of Lancaster or in the estuary of the River Ribble adjoining that county and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain a training wall or embankment commencing in the parish of North Meols in the rural district of West Lancashire at the western termination of the existing north training wall of the River Ribble and terminating in the parish and urban district of Lytham at or near a point adjoining the western side of Warton Brook at its junction with Lytham Dock Channel with all proper works and conveniences connected therewith.

Limits of deviation of training wall.

7. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and ten feet downwards:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Incorporation of certain sections of Act of 1896.

8. The following sections of the Act of 1896 (namely)—

Section 9 (As to height of training walls);

Section 10 (Works to be executed in accordance with the principle recommended by the commission);

Section 12 (Incorporation of certain sections of the Act of 1883);

Section 13 (Works below high-water mark not to be commenced without consent of Board of Trade);

Section 15 (As to future accretions); and

Section 21 (Saving rights of the Duchy of Lancaster);

are hereby incorporated with this Part of this Act and shall extend and apply to the Corporation and mutatis mutandis to and in relation to the works by this Part of this Act authorised.

For protection of John Talbot Clifton.

9. For the protection of John Talbot Clifton and his sequels in estate (in this section referred to as "the owner") the following provisions shall unless otherwise agreed between the Corporation and the owner apply and have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the training wall by this Act authorised shall not be constructed otherwise than of the height in the line and situation and according to the levels shown on the plan and section whereof six copies have been signed by William Middlebrook the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one of which copies has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons one in the office of the Board of Trade one at the office of the town clerk one with the said John Talbot Clifton and one at the office of the clerk to the Lytham Urban District Council:

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(2) The said training wall shall be constructed of clay and gravel or material of a like nature:

(3) The line and position of the said training wall shall when constructed be defined with perches or beacons to be erected thereon at intervals of not more than three hundred yards and a perch or beacon shall be fixed at or near the commencement of the said training wall at its junction with the existing training wall in the main channel of the River Ribble and the Corporation shall keep such last-mentioned perch or beacon lighted at all times during the period between sunset and sunrise:

(4) Nothing contained in this Act shall vary prejudice or affect the provisions of the agreement dated the nineteenth day of December one thousand nine hundred and four and made between the owner and the Corporation or any rights liabilities or obligations under such agreement or any agreed variations thereof.

For protection of Lytham Urban District Council.

10. For the protection of the urban district council of Lytham the provisions of subsections (1) (2) and (3) of the section of this Act whereof the marginal note is "For protection of John Talbot Clifton" shall apply and have effect unless otherwise agreed between the Corporation and the said council.

As to footpaths at Ashton Marsh.

11.—(1) Subject to the provisions of this section the Corporation may stop up—

(A) The footpath across Ashton Marsh which leads from a point two chains west of the entrance gate of the premises known as "Whinfield" thence proceeding in a southerly direction for two chains or thereabouts and thence in a south-westerly direction along the old river embankment to Chain Caul;

(B) The footpath diverging from such last-mentioned footpath at a point nine chains or thereabouts eastward of Chain Caul and proceeding in a westerly direction to Chain Caul; and

(C) The footpath commencing opposite the entrance gate to Chain Farm and proceeding on an embankment in a southerly direction for a distance of fourteen chains or thereabouts to Chain Caul;

and thereupon all rights of way thereover shall be extinguished and the site and soil of the said footpaths are hereby vested in the Corporation:

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(2) Before stopping up or interfering with the said footpaths the Corporation shall construct a new footpath four feet in width across Ashton Marsh commencing opposite to the entrance gate to Chain Farm and proceeding in a south-westerly direction for twelve and a half chains or thereabouts and thence in a south-easterly direction for six chains or thereabouts to Chain Caul and the Corporation shall at all times thereafter at their own expense maintain and keep the said new footpath in a proper state of repair for the use of the public.

Purchase of lands by agreement for Ribble Navigation undertaking.

12. In addition to the other lands which the Corporation are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of their Ribble Navigation undertaking any lands not exceeding one hundred acres.

Power to appropriate lands for Ribble Navigation.

13. The Corporation may appropriate and use for the purposes of the Ribble Navigation undertaking certain lands acquired by them and situate in the borough five and three-quarter acres or thereabouts in extent and bounded on the north-east by Hartington Road on the west by Strand Road and on the south by land owned jointly by the Lancashire and Yorkshire and London and North Western Railway Companies and the Corporation.

If the Corporation so appropriate the said lands they shall charge the Ribble Navigation undertaking with the payment of a reasonable sum by way of purchase money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

PART III.

STREET IMPROVEMENTS &C.

Power to construct street improvements.

14. Subject to the provisions of this Act the Corporation may make and maintain within the borough and in the lines

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and according to the levels shown upon the deposited plans and sections and upon the lands described in the deposited book of reference the street improvements hereinafter described together with all necessary or convenient approaches works and conveniences connected therewith (that is to say):—

(1) A new street (No. 1) commencing at the point of junction of Stocks Road and Addison Road and terminating at a point in Shelley Road one hundred and eighty-three yards or thereabouts north of the junction therewith of Roebuck Street:

(2) A new street (No. 2) commencing at a point in Inkerman Street one hundred and eighty-three yards or thereabouts north of the junction therewith of Roebuck Street and terminating at the point of junction of Addison Road and Brook Street:

(3) A new street (No. 3) commencing at a point in Water Lane seventeen yards or thereabouts west of the junction therewith of Smirk Street and terminating in Aqueduct Street at a point twenty-five yards or thereabouts east of the junction therewith of Old Lancaster Lane.

Power to make subsidiary works.

15. Subject to the provisions of this Act and within the limits of deviation defined upon the deposited plans the Corporation in connection with and for the purposes of the street improvements by this Act authorised may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the street improvements and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with such street improvements.

Limits of deviation for street improvements.

16. In the construction of the street improvements by this Act authorised the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan thereof respectively and may deviate vertically from the levels shown on the deposited section thereof respectively to any extent not exceeding two feet upwards and two feet downwards.

Power to alter sewers gas and water pipes &c.

17. In constructing the works by this Part of this Act authorised or any of them the Corporation may raise sink or otherwise alter the position of any culvert sewer or drain or

any water pipe or gas pipe belonging to or connected with any building adjoining or near to the said works and also any main or other pipe laid down or used for carrying a supply of water or gas and also any pipe tube cable wire or other conductor or apparatus laid down for the conduct of electricity for any purpose and may remove any other obstruction to the convenient execution of the said works causing as little detriment and inconvenience as circumstances will admit and making compensation for all damage loss cost and expenses caused by or in consequence of such alteration Provided that nothing in this section shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section:

Provided also that the Corporation shall not raise sink or otherwise alter the position of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act.

For protection of London and North Western Railway Company.

18. For the protection of the London and North Western Railway Company (in this section referred to as "the North Western Company") the following provisions shall unless otherwise agreed between the Corporation and the North Western Company apply and have effect:—

(1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Corporation shall not without the previous consent in writing of the North Western Company under their common seal take use enter upon or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the North Western Company but the Corporation may purchase and take and the North Western Company shall sell and grant accordingly an easement or right of using so much of their lands as may be necessary for the construction of the Street Works Nos. 1 2 and 3 and all works connected therewith The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act

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1845 with respect to the purchase of lands otherwise than by agreement and the easement or right so to be taken shall be deemed to be land so far as respects the proceedings for the acquisition thereof and also for the purposes of any arbitration:

(2) The Corporation shall carry Street Work No. 1 over the North Western Company's Lancaster Canal and towing-path by means of a bridge of one span which span shall not be less than thirty-six feet measured on the square:

(3) The Corporation shall carry Street Work No. 2 over the North Western Company's railway by means of a bridge of two clear spans the pier to carry which shall be on the western side of the existing rails the eastern span to be not less than seventy-three feet measured on the square and the western span to be not less than thirty feet measured on the square and such spans shall have a clear headway throughout of not less than fifteen feet above the upper surface of the rails upon the said railway at the proposed point of crossing and the Corporation shall for ever maintain such headway:

(4) The Corporation shall carry Street Work No. 3 under the North Western Company's Lancaster Canal by means of a bridge of a length of thirty-two feet measured on the square between the parapets:

(5) The Corporation shall not without the consent of the principal engineer of the North Western Company (in this section called "the principal engineer") in constructing the street works over and under the Lancaster Canal and over the Lancaster and Carlisle Railway of the North Western Company deviate from the centre line as shown on the deposited plans nor deviate from the levels thereof as shown on the deposited sections:

(6) The Corporation shall before they commence the construction of so much of the street works and all works in connection therewith as shall or may pass over or under or in any way affect the property of the North Western Company submit to the principal

engineer proper and sufficient plans sections details drawings and specifications of the street works proposed to be carried out by the Corporation for the reasonable approval of the principal engineer and also proper and sufficient plans showing the stages by which it is intended to carry out the proposed street works for the like approval Provided that if such principal engineer shall for the space of one month neglect or refuse to approve the said plans sections drawings and specifications or shall disapprove the same then such plans sections drawings and specifications shall be submitted to and approved by an engineer to be appointed as in this section provided and such portion of the said street works and all works necessary or incident to the construction thereof or affecting the property or works of the North Western Company shall be constructed only according to such plans sections drawings and specifications as shall be approved as aforesaid and under the superintendence and to the reasonable satisfaction of the principal engineer and at the costs charges and expenses in all respects of the Corporation :

(7) Before the Corporation commence the construction of the said street works any temporary works which may in the opinion of the principal engineer be reasonably necessary to insure the stability of the railway canal and property of the North Western Company may and shall be carried out by the North Western Company for the Corporation and the reasonable costs thereof and any expenses incurred in connection therewith (including compensation payable to any workmen or their legal representatives or dependents who may be injured or killed whilst employed by the North Western Company in and about such works) shall be repaid by the Corporation to the North Western Company on demand :

(8) If it shall at any time appear to the principal engineer either before or during the construction or after the completion of the said street works that any further or other works or appliances or measures

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of precaution are required either by way of addition to the existing railway canal and works of the North Western Company or in connection with the works of the said street works in relation to the method of construction of the street works so as to prevent subsidence or injury happening to any of the railways canal and works or property of the North Western Company owing to or in consequence of the execution of any of such street works the Corporation shall on being thereunto required in writing under the hand of the principal engineer make and execute at their own expense and according to plans sections and specifications to be approved by him such works or take such measures of precaution including the temporary cessation of the construction of the said street works as the principal engineer shall require and the construction of the said street works when commenced shall proceed without cessation except as aforesaid and with all reasonable dispatch Any difference as to the necessity of any such further works as aforesaid or as to the mode of execution thereof shall unless otherwise agreed be determined by an engineer to be appointed on the application of either party as hereinafter provided:

(9) The Corporation shall before commencing the construction or the structural alteration renewal or repair of the said street works give (except in case of emergency) twenty-eight days' previous notice in writing to the principal engineer of their intention to commence such works and in case of emergency the Corporation shall give to the North Western Company the longest notice which they can reasonably give having regard to the urgency of the repairs to be executed and such notice shall be accompanied by a sufficient description of the works proposed to be carried out:

(10). The Corporation shall at their own expense construct and at all times maintain the said street works and all the works both temporary and permanent necessary and incident to the construction thereof so far as such street works affect the property and works of the North Western Company in substantial

repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer and if and whenever the Corporation shall fail so to do or in case of emergency the North Western Company may make and do in and upon as well the lands of the Corporation as their own lands all such works and things as the principal engineer may reasonably think requisite and the sum from time to time certified by such principal engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Corporation Provided always that in the event of any dispute between the Corporation and the North Western Company as to the amount so certified such dispute shall be settled by arbitration by an engineer to be appointed on the application of either party as hereinafter provided:

(11) Notwithstanding the approval of plans sections and detailed drawings and specifications or supervision by or completion to the satisfaction of the principal engineer as aforesaid and notwithstanding the compliance by the Corporation with the provisions of this section if during the execution and by reason of any of the works hereinbefore referred to the said railway and canal of the North Western Company or any of the works connected therewith respectively or any lands or property of that company shall be injured or damaged such injury or damage shall be forthwith made good by the North Western Company who may recover the full amount expended in so doing from the Corporation:

(12) The Corporation shall not in making and maintaining the said street works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway canal and property of the North Western Company or any traffic thereon except as herein provided for in connection with the Street Works Nos. 1 and 3 and if at any time or times hereafter the free and uninterrupted and safe user of the railway or canal of the North Western Company or any traffic thereon shall be obstructed hindered or interfered with contrary to the provisions of this section the Corporation shall notwithstanding any

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approval as aforesaid pay to the North Western Company all reasonable costs and expenses to which that company may be put as well as full compensation for the loss sustained by them by reason of any such interruption or interference:

(13) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the North Western Company all costs charges losses damages and expenses which may be occasioned to their railway canal works lands or property or to any person or persons using the same by reason of the construction alteration maintenance or failure of the said street works or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors or others and the Corporation shall effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such construction alteration maintenance failure or omission:

(14) The Corporation shall at all times during the construction of the Street Work No. 1 over the canal and the towing-path thereof and the works connected therewith and during any future repairs thereof keep an uninterrupted navigable width of water in the canal of not less than twenty-one feet with a clear width of towing-path of not less than ten feet and a clear headway above the water level of the canal at the point of crossing of not less than twelve feet and during the construction of Street Work No. 3 under the canal and the towing-path thereof maintain a navigable width of water in the canal of not less than twenty feet by means of a temporary trough bridge and also maintain a clear width of towing-path of not less than eight feet:

(15) During the construction of the said street works and of any of the further works mentioned in this section the Corporation shall bear and on demand pay to the North Western Company the reasonable expense of the reasonable employment by them of a sufficient number of inspectors and watchmen to be appointed

by them for inspecting the said street works and for watching their railway and canal and the works and conveniences connected therewith and their said lands or property for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise and the Corporation shall at all times give ample facilities to the principal engineer and his assistants or inspectors for full and free access to the said street works during or after their construction and shall also furnish him or them with every information he or they may reasonably require with regard to such street works or the method of construction thereof:

(16) If by reason of or during the construction of the said street works it shall become reasonably necessary in the opinion of the said principal engineer to add to or alter any signal or signal apparatus on the railway of the North Western Company the same shall be so added to or altered by the North Western Company and the reasonable expense thereof shall be repaid by the Corporation to the North Western Company:

(17) If the North Western Company shall at any time after the construction of the street works desire to alter or extend their railways or canal or any of the works or conveniences connected therewith the Corporation shall give to the North Western Company every reasonable facility for the execution of such alteration extension or construction and any additional expense to which the North Western Company may be put in carrying out any such alteration or extension of the canal and any additional expense to which the North Western Company may be put in the exercise of their existing powers or owing to the existence of the pier carrying Street Work No. 2 in carrying out any such alteration or extension of the railway by reason of the construction of the said street works shall be repaid to them by the Corporation:

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(18) Except as in subsection (1) of this section otherwise provided if any difference shall arise under this section between the Corporation and the North Western Company or their respective engineers such difference shall be referred to and be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

PART IV.

TRAMWAYS.

Power to make tramways.

19. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways within the borough and in the urban district of Fulwood hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and the Corporation may take up remove and alter the position of any existing tramways and the rails and other works connected therewith which may be necessary for the purposes of laying down the said tramways Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 (double line 4 furlongs 4·24 chains or thereabouts in length) commencing in Stanley Street by a junction with the existing tramway at or near the junction therewith of New Hall Lane passing thence into and along London Road and terminating therein at a point about ·33 chain north of the north end of the west wing wall of Walton Bridge:

Tramway No. 2 (1 mile 5 furlongs 4 chains in length whereof 2 furlongs 6·60 chains will be double line and 1 mile 2 furlongs 7·40 chains will be single line) commencing

in Corporation Street by a junction with the existing tramway at a point about 1·30 chains south of Charnley Street and passing thence into and along Corporation Street Kendal Street Friargate Adelphi Street Plungington Road Plungington Road North Lytham Road and Garstang Road and terminating therein by a junction with the existing tramway at a point about ·90 chain south of the junction therewith of Lytham Road:

Tramway No. 3 (1·50 chains in length whereof ·90 chain will be double line and ·60 chain will be single line) commencing in Friargate by a junction with the intended Tramway No. 2 at a point about ·60 chain north of the junction therewith of Kendal Street and terminating in Friargate by a junction with the existing tramway at a point about ·90 chain south of the junction therewith of Kendal Street:

Tramway No. 4 (single line 1·50 chains in length) commencing in Lytham Road by a junction with the intended Tramway No. 2 at a point about ·65 chain west of the junction therewith of Garstang Road and passing thence into and terminating in Watling Street Road by a junction with the existing tramway at a point about ·85 chain east of the junction therewith of Garstang Road:

Tramway No. 5 (6·40 chains in length whereof 1·20 chains will be double line and 5·20 chains will be single line) commencing in Corporation Street by a junction with the intended Tramway No. 2 at a point about ·73 chain south-east of the junction therewith of Kendal Street and passing thence along Corporation Street and into and along Fylde Road and terminating therein by a junction with the existing tramway at a point about 1·42 chains north-west of the junction therewith of Maudland Road:

Provided that Tramway No. 2 shall not be constructed in any portion of Kendal Street unless and until the carriageway thereof is so widened that a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

Period for completion of tramways.

20. The tramways shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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Tramways to form part of tramway undertaking and incorporation of provisions of former Acts.

21. The tramways shall for all purposes form part of the tramway undertaking of the Corporation and the provisions of Part III. (Tramways) excepting sections 39 and 45 thereof and section 83 (Application of revenue of tramway undertaking) of the Act of 1900 and the following sections of the Act of 1902 (that is to say):—

Section 6 (Gauge of tramways);

Section 10 (For protection of Postmaster-General);

Section 18 (Local authority to have access to sewers);

Section 19 (Application of road materials excavated in construction of works); and

Section 27 (As to application of tramway revenue);

so far as they are applicable and are not inconsistent with the provisions of this Act shall extend and apply mutatis mutandis to and in relation to the tramways and to the Corporation in relation thereto as if the tramways had been constructed under the powers of those Acts:

Provided that section 24 (Power to make additional crossings &c.) and section 26 (Junctions with tramways which can be worked in connection with Corporation tramways) of the Act of 1900 as applied by this Act shall be read and have effect as if the words "with the consent of the Board of Trade" had been inserted therein after the word "Corporation" where it first occurs in those sections respectively Provided also that no post or other apparatus in connection with the tramways shall be erected on the carriageway of any street or road except with the consent of the Board of Trade.

Use of tramway posts by Postmaster-General.

22.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the Corporation tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

(C) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time

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inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :

(G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :

(I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of

the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramway or other undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

For protection of Lancashire and Yorkshire and London and North Western Railway Companies.

23. For the protection of the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company (who are respectively in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect (that is to say):—

(1) Tramway No. 2 and the works connected therewith by this Act authorised (which tramway and works are hereinafter included in the expression "the said tramway") shall be constructed maintained and used in such a manner as not in any way to interfere with the Preston and Longridge Railway of the company or the tunnel by which that railway passes under Adelphi Street or any works or apparatus used in connection with the said railway and the said tramway as far as it will be situate over the said tunnel and within a distance of thirty yards measured along the said street on either side of

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the centre of the said tunnel shall be constructed according to plans sections and specifications to be previously submitted to and reasonably approved by the principal engineer of the company or in case of difference between such engineer and the engineer of the Corporation by an arbitrator to be appointed as hereinafter provided Provided that if the principal engineer of the company does not within twenty-eight days after such submission signify his approval or disapproval of such plans sections and specifications he shall be deemed to have approved thereof All such works shall be executed according to the plans sections and specifications approved as aforesaid or by an arbitrator as hereinafter provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the company In the event of any injury being occasioned to the railway or works of the company by the construction maintenance user or removal of the said tramway the company may (on giving seven days' notice in writing except in cases of emergency when as long a notice as is reasonably practicable shall be given) make good the injury and may recover from the Corporation the reasonable expenses of so doing:

(2) The Corporation shall on demand pay to the company the reasonable expense of watching the works of the Corporation when reasonably necessary during the construction or repair by the Corporation of the said tramway for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them:

(3) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of the said railway of the company or any traffic thereon:

(4) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of

their works or property or to the traffic on their said railway or to any company or person using the same by or by reason of the execution or failure of any of the intended works of the Corporation or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

(5) If the company shall hereafter require to widen or alter their said railway in the exercise of any existing powers and it shall be necessary for such purpose that the working or user of the said tramway be wholly or in part stopped or delayed or that part of the said tramway be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up diversion or removal then the working or user of such part of the said tramway shall be stopped or delayed or such part of the said tramway shall be taken up diverted or removed by the Corporation as stated in such notice at the expense of the Corporation and under the superintendence of the company (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid but the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

(6) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening or altering as is mentioned in the last preceding subsection or in the maintenance of any work of the company by reason of the existence or user of the said tramway :

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(7) No additional crossing or passing place siding junction or other work shall be made for or in connection with the said tramway for the distance thereon extending in front of Charnley Street and for a length of ten yards at each end of such distance or for the distances on the said tramway respectively extending in front of the entrances to the goods stations of the company and for a length of ten yards at each end of such respective distances without the consent of the company and without such consent no vehicle used on the said tramway shall be stopped or permitted to be stopped within such distances:

(8) Notwithstanding anything shown upon the deposited plans or in this Act contained so far as regards the portion of the double line of Tramway No. 2 in Corporation Street a space of nine feet six inches at least shall always intervene between the outside of the footpath on the west side of the street and the nearest rail of the tramway in front of the property of the company:

(9) If any difference shall arise under this section between the Corporation and the company or their respective engineers the same shall be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the Corporation or the company and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

Regulations by Corporation.

24. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Purchase of lands by agreement.

25. In addition to the other lands which the Corporation are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of the tramway undertaking any lands not exceeding five acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings

works and other conveniences in connection with the tramway undertaking but the Corporation shall not create or permit a nuisance on any such lands.

Penalty for malicious damage.

26. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the Corporation tramways anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramways of the Corporation shall be liable to a penalty not exceeding twenty pounds.

Power to hold patent rights.

27. The Corporation may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use of electrical power for the purposes of the tramway undertaking.

Shelters or waiting-rooms.

28. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers and servants of the Corporation in connection with the tramway undertaking and may with the consent of the local and road authority use for that purpose portions of the public streets or roads:

Provided that no shelters or waiting-rooms shall be erected or maintained in any street or road so as to cause interference with or render less convenient the access to or exit from any station of the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company or either of those companies and except with the consent of those companies or either of them as the case may require no shelter or waiting-room shall be erected or maintained on any bridge carrying any street or road over any railway or canal of those companies or either of them.

Lost property.

29. Any property found in any tramcar or motor omnibus of the Corporation shall forthwith be handed to the conductor of the tramcar or motor omnibus or taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it shall vest in the Corporation and may be sold as unclaimed property by public auction after notice by advertisement in one

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or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

Power to appropriate lands for tramway purposes.

30. The Corporation may appropriate and use for the erection of offices and extension of carriage sheds in connection with the tramway undertaking certain lands acquired by them and situate in the borough eight hundred and ninety square yards or thereabouts in extent and bounded on the east by Deepdale Road on the north by Holmrook Road on the west by the Corporation tramways generating station and car sheds and on the south by the premises known as 219 Deepdale Road.

If the Corporation so appropriate the said lands they shall charge the tramway undertaking with the payment of a reasonable sum by way of purchase-money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

Power to provide and run motor omnibuses.

31.—(1) The Corporation as part of the tramway undertaking may provide (but shall not manufacture) motor omnibuses and may run the same within the borough demanding and taking the like tolls fares and charges for the conveyance of passengers therein as they are for the time being authorised to demand and take for passengers travelling on the tramways of the Corporation.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such motor omnibuses but the Corporation shall not create or permit any nuisance on any such lands.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their motor omnibuses Provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every motor omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The Corporation shall perform in respect of the motor omnibuses provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(6) All expenditure in respect of motor omnibuses shall be defrayed and all receipts shall be applied as if the motor omnibuses were part of the tramway undertaking but such expenditure and receipts shall (so far as reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

(7) In this section the expression "motor omnibus" means any stage carriage moved by mechanical power including in that expression steam electrical and every other motive power not being animal power.

Part V.

General Provisions as to Lands and Works.

Power to acquire lands.

32. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised.

Period for compulsory purchase of lands.

33. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

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

34. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that a portion only of the property numbered 1 in the township of Preston on the deposited plans of the new street (No. 1) will be sufficient for the purposes of the Corporation and that such portion or some other portion less than the whole can be severed from the remainder of the said property without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in the said property or each or any of them are hereinafter included in the term "the owner":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of the said property the owner shall fail to notify in writing to

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the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred

by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the said property or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Persons under disability may grant easements &c.

35. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges

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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.

As to private rights of way over lands taken compulsorily.

36. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently altered buildings.

37. In determining any question of disputed purchase-money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the thirtieth day of November one thousand nine hundred and thirteen if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

38. The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the

amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Correction of errors in deposited plans and book of reference.

39. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and shall be kept by such clerk of the peace with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Temporary stoppage of streets.

40. The Corporation may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time The Corporation shall provide reasonable access for all persons so bonâ fide going to or returning from any such house:

Provided that nothing in this section contained shall prevent the servants of any undertakers for the supply of gas or electricity from passing along and using any such street during such stopping up for the purpose of inspecting or repairing the works of such undertakers.

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Incorporation of certain sections of Act of 1902.

41. The provisions contained in section 16 (Power to retain sell &c. lands) and section 17 (Application of moneys from sale &c. of lands) of the Act of 1902 shall so far as applicable extend and apply to and in relation to the like matters as if they were re-enacted in this Act.

Purchase of moiety of Penwortham Holme.

42. Whereas the Corporation and the Worden Trustees are each the owners or reputed owners of an undivided moiety of the freehold of the lands known as Penwortham Holme and the said trustees have agreed to sell their undivided moiety thereof to the Corporation Therefore the Corporation may purchase by agreement such undivided moiety of the freehold of the said lands and the Corporation shall and may on the completion of the purchase thereof hold the Penwortham Holme as corporate land within the meaning of the Municipal Corporations Act 1882 and the provisions of sections 108 and 109 of that Act as amended by the Local Government Act 1888 shall apply thereto and the Corporation may accordingly exercise all the powers contained in such sections in relation thereto.

PART VI.

WATER.

Power to lay pipes in streets not dedicated to public use.

43. The Corporation may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out or made but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 thereof had been excepted from incorporation in the Acts relating to the supply of water by the Corporation.

Powers in relation to water mains.

44. Subject to the provisions of this Act the Corporation for the purposes of making connections between any reservoirs of the Corporation and between any of such reservoirs and the limits of supply shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes thereof the limits of supply shall be deemed to be the district.

Power to repair communication pipes.

45. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which is situate in a highway within the limits of supply and which the

Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Detection of waste.

46. Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Corporation shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to supply fittings.

47.—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns meters and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed

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or made thereon sufficiently indicating the Corporation as the actual owners thereof:

Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed:

(B) Every sum charged by the Corporation in respect of provision of such fittings or repairing the fixing or removal thereof shall be clearly stated in every demand note delivered by the Corporation to the consumer:

(C) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

Register of meter to be primâ facie evidence.

48. Where water is supplied by measure by the Corporation the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Corporation Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring meters &c.

49.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water

from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied through the same and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates or rents are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Corporation not bound to supply several houses by one pipe.

50. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the nearest main into each house supplied by them with water.

Maintenance of common pipe.

51. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses or any of them and such pipe requires repair the Corporation may if they think it necessary

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or advisable repair the same and the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation.

Notice to Corporation of connecting or disconnecting meters.

52. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice of discontinuance.

53. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation.

Supply of water by hose-pipe to stables &c.

54. When water supplied by the Corporation for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus is used charge such reasonable sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Water rate in respect of small houses to be paid by owner.

55. It shall be lawful for the Corporation if they think fit to charge the owner or owners of property within the limits of supply of which the rateable value does not exceed the sum of ten pounds or which is let in separate apartments or the rents in respect of which are collected weekly instead of charging the occupier or occupiers of such property and every such owner so charged shall pay such water rates and charges instead of the occupier but in every such case the Corporation shall make to such owner any allowance they think reasonable not exceeding twelve pounds per centum by way of compensation Provided that the owner shall in such case be bound to

pay the water rates and charges whether the premises are occupied or not Provided also that the Corporation shall not be bound to make any allowance as provided by this section where the amounts due in respect of water rates and charges are not paid within the time prescribed by the Corporation such time to be endorsed upon every demand note in respect of such water rates and charges but subject thereto the Corporation shall make the same allowance to all owners in like circumstances.

Contracts for supplying water in bulk.

56. The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any authority company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply Provided also that nothing in this section shall authorise the Corporation to lay any mains or pipes beyond the limits of supply.

For further protection of Lancashire and Yorkshire and London and North Western Railway Companies.

57. The following provisions for the protection of the Lancashire and Yorkshire Railway Company and of the London and North Western Railway Company (each or both of whom as the case may require is or are in this section referred to as "the company") shall notwithstanding anything in this Act contained apply and have effect except in so far as may be otherwise agreed between the company and the Corporation:—

(1) The construction or laying of any mains or pipes under or in pursuance of this Act into through over or under any railways canals or other property of the company and any works of maintenance repair and renewal of such mains or pipes other than urgent repairs in case of accident (all of which works are hereinafter referred to as "the said waterworks") shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and according to plans sections and specifications to be submitted to and reasonably

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approved by him before any such works are commenced or in the event of any dispute or difference between such engineer and the engineer of the Corporation then in such manner as shall be settled by arbitration as hereinafter provided Provided that if the said principal engineer shall fail to superintend at the time specified in a notice to be given by the Corporation to the company of their intention to commence the said waterworks (such time being except in cases of emergency not less than twenty-eight days from the giving of the notice) such works may be executed without his superintendence and that unless the said principal engineer shall give notice of his disapproval of such plans sections or specifications and of his grounds thereof within twenty-eight days after they shall have been submitted he shall be deemed to have approved thereof:

(2) The said waterworks shall be executed by and in all things at the expense of the Corporation and in such manner as not to cause any injury to the railways canals or other property of the company or interruption to the passage or conduct of the traffic thereon and if any such injury or interruption shall arise the Corporation shall make compensation to the company in respect thereof:

(3) The Corporation shall bear and on demand pay to the company the reasonable expenses of employment by them of a sufficient number of inspectors watchmen and flagmen to be appointed by the company for watching their railway canal or other property and works with reference to and during the execution of the said waterworks:

(4) The Corporation may purchase and take and the company shall at the request of the Corporation sell and grant an easement or right of using so much of the lands of the company as may be necessary for the construction of the waterworks over under or across the railways canals and other property of the company under the section of this Act the marginal note whereof is "Powers in relation to water mains" and the Corporation shall pay to the company in respect of any such easement or right such sum as

shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under that Act:

(5) The Corporation shall at all times maintain the said waterworks in substantial repair and good order to the reasonable satisfaction of the said principal engineer and if and whenever the Corporation fail so to do the company may make and do in and upon as well the lands of the Corporation as their own lands all such works repairs and things as they may reasonably think requisite and the reasonable amount of such expenditure shall be repaid to the company by the Corporation:

(6) If at any time hereafter the company require to make any alterations of or to widen their railway or canal or to increase their railway or canal accommodation at the places where the said waterworks cross the railway canal and property of the company the Corporation shall at their own cost make such alterations of the said waterworks within the existing boundaries of the company's property as may be reasonably required by the company to enable them to carry out such alteration or widening of the railway or canal or to provide such increased accommodation and the provisions of this section shall so far as applicable extend and apply to the execution and carrying out by the Corporation of any such alterations of the said waterworks:

(7) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the company all costs losses damages or expenses which may be occasioned to them or to any of their railways canal works or property or to the traffic thereon or otherwise by reason or in consequence of the execution or failure of the said waterworks or any or either of them or by any act or omission of the Corporation or any persons in their employment or their contractors agents or others and the Corporation shall effectually indemnify and hold harmless the Company from all

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claims and demands upon or against them by reason of such execution or failure and of such act or omission:

(8) If any difference shall arise under this section between the Corporation and the company or their respective engineers the same shall (except where the determination thereof is otherwise provided for) be referred to and determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of the Corporation or the company and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

PART VII.

BURIAL AUTHORITY.

Corporation to be burial authority for borough.

58.—(1) From and after the first day of October one thousand nine hundred and fourteen (in this Part of this Act referred to as "the commencement of this Part of this Act") the Corporation shall be the burial authority for the borough and shall have to the exclusion of every other burial authority all the powers of a burial board under the Burial Acts 1852 to 1906.

(2) No approval sanction or authorisation of the vestry of the parish of Preston shall be required to enable the Corporation to exercise the powers and to discharge the duties and liabilities of the authority for the execution of the Burial Acts 1852 to 1906.

(3) All the expenses of the Corporation in the execution of the Burial Acts 1852 to 1906 shall be defrayed out of the borough fund.

Dissolution of burial board and vesting of their property in Corporation.

59.—(1) On and from the commencement of this Part of this Act the burial board shall be dissolved and the Preston Cemetery and all lands buildings and other property and rights of the burial board at that date shall be by virtue of this Act transferred to and vested in the Corporation as the burial authority for the borough.

(2) The byelaws rules regulations orders notices and scales of fees and charges in force at the commencement of this Part of this Act for or in relation to the cemetery shall until

altered or revoked continue in force and all fees charges penalties and forfeitures thereby respectively prescribed and imposed shall be paid to and may be recovered and enforced by the Corporation in like manner and in all respects as the same respectively would have been payable to and recoverable and enforceable by the burial board if this Act had not been passed and all moneys so paid or recovered shall be carried to the credit of the borough fund.

As to debts and liabilities of burial board.

60.—(1) All the debts and liabilities of the burial board and all debts and liabilities of the parishes comprised within the area of their jurisdiction in relation to the undertaking of the burial board unpaid and undischarged at the commencement of this Part of this Act shall be discharged and satisfied by the Corporation out of the borough fund.

(2) If at the commencement of this Part of this Act any action or proceeding or any cause of action or proceeding is pending or existing against or in favour of the burial board the same shall not abate or be discontinued but the same may be continued prosecuted or enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the burial board if this Act had not been passed.

Contracts of burial board binding on Corporation.

61. All agreements contracts and other instruments affecting the burial board and in force at the commencement of this Part of this Act shall be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the burial board the Corporation had been a party thereto.

Audit of accounts of burial board.

62.—(1) The accounts of the burial board and of their officers up to the commencement of this Part of this Act shall be audited in like manner as heretofore as soon as practicable after that date notwithstanding any statutory provision or regulation as to the time of holding the audit of the accounts of the burial board to the contrary.

(2) Any officer of the burial board whose duty it is to make up any accounts or to account for any portion of the receipts or expenditure in any accounts shall until the audit is completed be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Act had not been passed.

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As to officers of burial board.

63. The officers of the burial board who shall be in office at the commencement of this Part of this Act shall at the option of the Corporation be transferred to their service and any such officer who shall suffer any pecuniary loss shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall apply accordingly with the substitution of the Corporation for the county council and the Local Government Board for the Treasury Such compensation may at the option of the Corporation be by way of annuity or by payment of a sum in gross Any such compensation shall be paid by the Corporation out of the borough fund.

Parish clerk and sexton to cease to exercise burial duties.

64. The right of any parish clerk or sexton to perform and exercise duties and functions in respect of the burial of the remains of parishioners or inhabitants of the burial district of the burial board in any cemetery or burial ground provided by the burial board and to receive fees on such burials shall cease at the commencement of this Part of this Act and the provisions of section 32 of the Burial Act 1852 so far as they relate to the duties and rights of a parish clerk or sexton shall not apply within the burial district of the Corporation and any such parish clerk or sexton who shall suffer any pecuniary loss by reason of this section shall for the purposes of the last preceding section of this Act be deemed to be an officer of the burial board.

Part VIII.

Streets and Buildings.

Continuation of existing street to be deemed new street.

65. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the borough be deemed to be a new street.

Corporation may define future line of streets.

66.—(1) When any street or road repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to

be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase-money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase-money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase-money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall offend against this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Intersecting streets.

67.—(1) The Corporation in any case in which it is proposed to lay out a new street may require that such street shall not be laid out without the provision of such intersecting street or streets as will secure intersecting streets at intervals of not more than one hundred and fifty yards each from the other on each side of such new street and of any street of which it forms a continuation Provided that if on either side of such last-mentioned street there shall already be a greater length from the proposed new street than one hundred and fifty yards without an intersecting street such greater length shall for the purposes of this section be deemed to be one hundred and fifty yards.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

Further provisions as to new streets and widenings.

68. When a road or lane is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is about to be built on the Corporation may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force in the borough require such owner to widen such road or lane so as to give a width not less than one-half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that when the land on the opposite side of such road or lane is about to be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Corporation and the owner shall complete the same accordingly.

The provisions of this section shall not extend or apply to any land belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament upon which any building (not being a dwelling-house) is now or hereafter about to be erected.

Width of new streets in certain cases.

69. Where in the opinion of the Corporation a new street not being a back street will form a continuation of or means of communication with a main thoroughfare or a continuation of

or means of communication with a main approach to the borough the Corporation may if they see fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may see fit and the Corporation shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and failing agreement the amount of such compensation shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1889:

Provided always that the Corporation may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

All moneys payable by the Corporation by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

Power to grant licences for bridges over streets.

70. The Corporation may grant to the owner or with consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given but not exceeding twenty-one years on such terms or at such rent and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit:

Provided that any licence given under this power shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street:

Provided also that in the event of the construction of any such bridge involving the alteration of a telegraphic line of the

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Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1913 be deemed part of the street or road which it crosses.

If any person shall construct such bridge without such licence or shall not construct or use the same in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Forecourts to be fenced off from streets.

71.—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Street orderly bins.

72. The Corporation may provide and maintain bins for sand and gravel and other materials and orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine.

Courts to be flagged and drained.

73.—(1) The owner or owners of premises the occupiers of which use in common any court yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall flag asphalte concrete or pave such court yard or passage or any part thereof and make a drain through or along the same or such part thereof as the Corporation require and provide and maintain in suitable positions and at proper levels such gullies and grids as the Corporation require and keep such flagging asphalting concreting or paving and drain gullies and grids in good repair.

(2) If such owner or owners shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty

shillings and to a daily penalty not exceeding twenty shillings and the Corporation may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

For preventing soil from being washed into streets.

74.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully.

(2) If any person shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Elevation of buildings erected on front lands to be subject to approval of Corporation.

75. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

Trees or shrubs over-

76.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light

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hanging streets and footpaths.

from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Power to require repair or taking down of dilapidated buildings.

77.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order to either put such building (in this section referred to as "a neglected structure") into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient

place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Erection of buildings to greater height than adjoining buildings.

78.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall of the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised and the same shall be carried out in all respects in accordance with the byelaws for the time being in force in the borough.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Means of escape from buildings in case of fire.

79.—(1) Every new building exceeding thirty-five feet in height used or intended to be used as an inn hotel restaurant hospital boarding-house common lodging-house or school shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been

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complied with in relation thereto and such means of escape shall be maintained in good and efficient condition and free from obstruction.

(2) Nothing in this section contained shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as to staircases in new buildings.

80. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for the admission of daylight to staircases in new buildings in order to prevent danger to persons using such staircases.

Amendment of section 23 of Public Health Acts Amendment Act 1890.

81. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section and the Corporation may make byelaws under the said section with respect to the height of rooms notwithstanding anything contained in section 79 (Height of rooms) of the Preston Improvement Act 1880 and as from the date on which such byelaws shall come into force such last-mentioned section is hereby repealed.

Food storage accommodation to be provided in new houses.

82. The owner of any dwelling-house the erection of which is commenced after the passing of this Act which is not provided with sufficient and suitable food storage accommodation who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Saving for Lancashire and Yorkshire and London and North Western Railway Companies.

83. Nothing contained in this Part of this Act or in any byelaw or regulation made thereunder shall extend or apply to any building (not being a dwelling-house) belonging or which may hereafter belong to the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company or either of those companies and used as a part of or in connection with their respective railways under any Act of Parliament.

Part IX.

Sewers and Drains.

Corporation may require enlarged sewer.

84. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Notice of intention to repair drains.

85.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or to the surveyor twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Corporation authorised in writing by the town clerk for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Reconstruction of drains.

86.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws relating to the drainage of existing buildings.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Wilful damage to drains water-closets &c.

87. If any person causes any drain water-closet earth-closet privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice

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any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Making of communications between drains and sewers.

88. If the owner or occupier of any premises desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Provisions as to combined drainage for two or more houses.

89. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Corporation may order houses to be drained by a combined drain.

90.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by them.

Power of entry.

91. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 102.

PART X.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

For regulating manufacture and sale of ice cream &c.

92.—(1) Any person being a manufacturer of or merchant or dealer in ice cream or other similar commodity who within the borough—

(A) Causes or permits ice cream or any similar commodity to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice cream commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) Part VIII. (Ice cream) of the Act of 1900 is hereby repealed.

Inspection of premises of dealer in ice cream.

93.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice cream or other similar commodity for the purpose of inspecting such premises

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and the materials or commodities or articles of food therein and any cart barrow or other vehicle or stand in or on which the same are offered for sale as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned and any officer authorised as aforesaid may at any time inspect any such cart barrow vehicle or stand in any street or public place.

(2) Any person refusing entry into or inspection of such premises cart barrow vehicle or stand as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Information to be furnished to medical officer and penalty for furnishing false information.

94.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable for every such offence to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Power to require names of laundrymen to whom clothes &c. from infected houses are sent.

95.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (1) (A) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

(2) Any person who shall offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

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Removal of body of person who has died of infectious disease.

96. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

To prevent spreading of measles &c.

97.—(1) Any parent or guardian having personal charge of a child in attendance at a school who is aware of or has reason to suspect the occurrence of any of the diseases known as measles german measles chicken-pox or whooping-cough in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings.

(2) If any person not less than sixteen years in age while suffering from any one of the diseases of measles german measles chicken-pox or whooping-cough wilfully exposes himself without proper precautions against spreading the disease in any street public place shop inn or any public conveyance or being in charge of any person so suffering wilfully exposes such sufferer he shall be liable to a penalty not exceeding five pounds.

(3) (A) The Corporation shall cause to be given public notice of the effect of the provisions of this section by advertisement in two newspapers published and circulating in the borough and by handbills and otherwise in such manner as they think sufficient and this section shall come into operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Corporation may fix.

(B) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this subsection have been complied with.

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(4) In this section the expression "school" includes a Sunday school.

To prevent spread of infectious disease amongst children.

98.—(1) No person being the parent or having the care or charge of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

Disinfection in case of pulmonary tuberculosis.

99.—(1) (A) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any boat tent shed or similar structure used for human habitation) would tend to prevent or check tuberculosis of the lung the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by the Corporation at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(b) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and if the offence is a continuing one to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung to cause such articles books things bedding or clothing to be delivered over to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and brought back and delivered to the owner free of charge.

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Power to establish depôt for sale of humanised or other prepared milk.

100. The Corporation may establish maintain manage and carry on a depôt for the sale of humanised or other prepared milk and may appropriate and use such lands as may be necessary or expedient for that purpose and may provide laboratories plant and machinery and may buy humanise or otherwise prepare and sell milk for infants under two years of age Such depôt shall be subject to the medical supervision of the medical officer and shall be carried on in accordance with regulations to be approved by the Local Government Board In this section the expression "humanised milk" means milk specially treated so as to be suitable for consumption by infants under two years of age.

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The Corporation shall apply all moneys from time to time received by them in respect of such depôt other than moneys (if any) received on capital account as follows (that is to say):—

Firstly In payment of the working and establishment expenses and cost of maintenance of such depôt:

Secondly In payment of interest on moneys borrowed by the Corporation for the purpose of such depôt:

Thirdly In providing the requisite instalments or payments in respect of moneys borrowed by the Corporation for the purposes of such depôt and (if the Corporation think fit) in forming a renewal and depreciation fund:

Fourthly In extending improving and constructing (if the Corporation think fit) any works for the purposes of such depôt:

And the Corporation shall carry to the credit of the general district rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on the said depôt and paying the current expenses connected therewith Any deficiency in the revenue or receipts of the Corporation on account of such depôt shall be made good out of the general district rate The Corporation shall keep separate accounts in respect of such depôt and such accounts shall be kept separate from all other accounts distinguishing therein capital from revenue.

For preventing contact with body of person who has died of infectious disease.

101. Any person who being in charge of the body of any person who has died from any infectious disorder or infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

Cesser of provisions.

102. The provisions of the sections of this Act whereof the respective marginal notes are "To prevent spreading of measles &c." "Disinfection in case of pulmonary tuberculosis" and "Power to establish depôt for sale of humanised or other prepared milk" shall cease to be in force within the borough at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875.

Compensation to persons ceasing employment.

103. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage.

Houses infested with vermin to be cleansed.

104.—(1) If the medical officer has reasonable cause to suppose that any house is infested with vermin he or any inspector of nuisances may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable on summary conviction to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable summarily as a civil debt from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and

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as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

Sanitary conveniences for manufactories &c.

105. Section 22 (Sanitary conveniences for manufactories &c.) of the Public Health Acts Amendment Act 1890 shall be extended so as to confer upon the medical officer the same power as is conferred upon the surveyor by subsection (2) of that section.

Sanitary conveniences for workmen engaged on buildings.

106.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation such water or other closets and urinals in or in connection with such building as may be sufficient for the accommodation of the workmen employed.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Watercourse choked up to be a nuisance under Public Health Act 1875.

107. Any river stream or watercourse or any part or parts thereof respectively so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Watercourses not to be covered over except in accordance with approved plans.

108.—(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourses and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner to so construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse Provided that—

(A) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of the works required by the Corporation to be executed such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Nothing in this section contained shall apply to any culvert or covering constructed or to be constructed by the Lancashire and Yorkshire Railway Company and the London and North Western Railway Company or by either of those companies under the powers of any Act of Parliament.

As to cleansing of gullies in private streets.

109.—(1) The Corporation may by notice in writing require the owner of any street which is a highway not repairable by the inhabitants at large or the owners of the premises abutting upon such street to cleanse the gullies in such street within such reasonable time as may be specified in the notice.

(2) In the event of such owner or owners neglecting or refusing to comply with any requirement of the Corporation under this section the Corporation may themselves cleanse the gullies in such street and may recover the expense incurred by them in so doing from such owner.

Regulation dustbins.

110.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable galvanized iron or enamelled iron

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dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Corporation.

(2) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(3) Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Provisions as to houses without water supply

111. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

Prohibition of blowing or inflating carcases.

112. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough and any person offending against this enactment or exposing or depositing for sale within the borough a carcase so blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Part XI.

Common Lodging-Houses.

Registration of common lodging-houses.

113.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation on or previous to the thirty-first day of December in every year.

(2) Any person aggrieved by a refusal to renew the registration of a common lodging-house may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as they think fit and to award costs.

(3) Every person who after the thirty-first day of December one thousand nine hundred and fourteen shall keep a common lodging-house without the registration of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Notice to common lodging-house keepers.

114.—(1) Notice of the provisions of this Part of this Act shall be served upon the keeper of every common lodging-house within the borough either personally or by leaving the same at or sending the same to the common lodging-house.

(2) A copy of the notice endorsed with a certificate purporting to be signed by the town clerk that such notice has been served in accordance with the requirements of the last preceding subsection shall be sufficient evidence that the provisions of such subsection have been complied with.

PART XII.

MARKETS AND SLAUGHTER-HOUSES.

Removal and exclusion from market of diseased animals.

115. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from the cattle market of the Corporation all animals which after inspection by a duly registered veterinary surgeon shall be suspected by him to be affected with tubercular disease or any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon is unfit for human food.

Byelaws as to slaughter-houses.

116. The powers contained in section 169 of the Public Health Act 1875 to make byelaws with respect to slaughter-houses provided under that section shall extend to enable the Corporation to make byelaws with respect to the management of any slaughter-house provided by them under the Preston Markets Act 1861.

Registration &c. of slaughter-men.

117.—(1) From and after the first day of January one thousand nine hundred and fifteen every person who shall act as a slaughterman or carry on the occupation of a slaughter-man in any slaughter-house provided by the Corporation shall register his name and place of abode in a book to be kept at the office of the Corporation for the purpose.

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(2) A court of summary jurisdiction on complaint by the Corporation and on being satisfied that any person registered under this section is not a fit and proper person on the ground of ill-health incompetency or character to act as a slaughterman or carry on the occupation of a slaughterman may make an order cancelling or suspending the registration of such person Provided that the Corporation before making complaint shall give to such person not less than seven days' previous notice in writing of their intention so to do.

(3) A court of summary jurisdiction on conviction of any person registered under this section of any offence committed in a slaughter-house or in acting as a slaughterman or carrying on the occupation of a slaughterman may if they think fit in addition to any punishment imposed for such offence make an order cancelling or suspending the registration of such person.

(4) The effect of any order made by a court of summary jurisdiction under this section shall be entered in the book to be kept as aforesaid at the office of the Corporation.

(5) Every person who after the first day of January one thousand nine hundred and fifteen acts as a slaughterman or carries on the occupation of a slaughterman in any slaughter-house provided by the Corporation (A) without having registered his name and place of abode in accordance with this section or (B) after his registration has been cancelled or (C) during any period for which his registration shall have been suspended shall be liable on summary conviction to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day on which he so acts as a slaughterman or continues to carry on such occupation after such conviction.

PART XIII.

POLICE.

As to public vehicles taken at railway stations.

118. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation for the time being in force with respect to hackney carriages and other public vehicles shall be as fully applicable in all respects to hackney carriages and other public vehicles conveying passengers to or from any railway station within the borough or plying for hire at such railway station as if such railway station were a public stand for public vehicles:

Provided always that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicle:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage or other vehicle in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

Byelaws as to leading or driving cattle.

119. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of that section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid Provided also that any such byelaws shall not prevent the owner of any animal driving the same to his own premises.

Power to appoint officers for parks.

120. The Corporation may appoint officers for securing the observance of section 164 of the Public Health Act 1875 and of Part IX. (Parks) of the Preston Improvement Act 1880 and of the regulations and byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Part XIV.

Finance.

Power to borrow and repayment of borrowed moneys.

121.—(1) The Corporation may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health

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Acts or any public general Act borrow at interest for the purposes set forth in the first column of the following table on the respective securities set forth in the second column thereof any sums not exceeding the respective sums set forth in the third column thereof and all moneys borrowed under the powers of this subsection shall be repaid within the respective periods set forth in the fourth column of the said table (that is to say):—

Purpose.	Security.	Amount.	Period for Repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	District fund and general district rate and borough fund and borough rate.	The sum requisite.	5 years from the passing of this Act.
		£	
(2) For purposes of the training wall by this Act authorised.	Harbour revenue and borough fund and borough rate.	1,000	40 years from the date or dates of borrowing.
For dredging and deepening the River Ribble.		103,400	
For general purposes of the Ribble Navigation Undertaking.		105,600	
(3) For purchase of lands for and for construction of the new streets by this Act authorised.	District fund and general district rate.	33,000	40 years from the date or dates of borrowing.
(4) For construction of the tramways by this Act authorised.	Tramway revenue and borough fund and borough rate.	19,000	30 years from the date or dates of borrowing.
(5) For electrical equipment of the tramways by this Act authorised.	Tramway revenue and borough fund and borough rate.	7,000	20 years from the date or dates of borrowing.
(6) For purchase of the moiety of Penwortham Holme by this Act authorised.	Borough fund and borough rate.	5,000	60 years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Board of Trade borrow on the security of the tramway revenue and borough fund and borough rate such further moneys as the Corporation may require for any of the purposes of the tramway undertaking and may with the sanction of the Local Government Board borrow on the security of the district fund and general district rate or such other security as that Board may prescribe such further or other moneys as the Corporation may require for any other purposes of this Act and such moneys as the Corporation may require for the purposes of section 93 (Power to Corporation to light public streets &c. by electrical energy if they generate the same for traction) of the Act of

1900 and all moneys borrowed under the powers of this sub-section shall be repaid within such periods not exceeding sixty years as those Boards respectively may sanction.

Certain provisions of Public Health Act as to borrowing not to apply.

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

Certain provisions of Act of 1904 extended to this Act.

123. The following provisions of the Act of 1904 shall subject to the provisions of this Act apply in respect of moneys borrowed by the Corporation under this Act as if they were herein with any necessary modifications re-enacted (that is to say):—

Section 26 (Mode of raising money);

Section 27 (Provision as to mortgages);

Section 29 (Mode of payment off of money borrowed);

Section 30 (Sinking fund);

Section 32 (Sinking fund may be adjusted in certain events);

Section 33 (Protection of lender from necessity of inquiry);

Section 34 (Corporation not to regard trusts);

Section 37 (Return to Local Government Board as to repayment of debt);

Section 38 (Application of money borrowed); and

Section 40 (Audit of accounts).

Appointment of receiver.

124.—(1) The powers as to the appointment of a receiver by mortgagees of the Corporation contained in any local Act or Order relating to the Corporation are hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced thereunder prior to the passing of this Act and in lieu thereof any mortgagee of the Corporation may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a

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receiver is made shall be not less than five thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Power to re-borrow.

125.—(1) The Corporation shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) The powers to re-borrow conferred upon the Corporation by any local Act or Order relating to the Corporation are hereby repealed but without prejudice to anything which may have been done thereunder.

Power to amend rates to accord with new valuation list.

126. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Corporation to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate.

General district rate may be assessed as borough rate.

127.—(1) The Corporation may if they think fit in lieu of themselves making assessing and levying any general district rate order such rate to be made assessed and levied in the same manner as a borough rate and may enforce the payment thereof from the overseers in the same manner as in the case of the borough rate and if any such order be made by the Corporation the general district rate shall be made assessed and levied by the overseers in the same manner and under the same provisions (including the provisions as to appeals) as in the case of the poor rate but subject to the exemptions (partial or otherwise) for the time being applicable to such general district rate in respect of any property in the borough and such rate may be assessed and levied either separately or together with the poor rate assessed and levied in respect of the hereditaments rateable to such rate:

Provided that the demand note served upon any railway company for any such rate shall show distinctly on the face of it the respective assessments as well as the actual rates proposed in each case to be levied.

(2) In the event of the Corporation making any order in pursuance of this section—

(A) Any other rate for the time being leviable by the Corporation and any water rate rent or charge payable to the Corporation may be included with the poor rate (but distinguished therefrom) in any book or books of assessments and in one demand note The demand note shall be in such form as the Local Government Board may approve:

(B) The overseers shall recover and enforce the poor rate in the same manner as the general district rate is recoverable and enforceable under the Public Health Act 1875 and the provisions of section 2 (In default of distress for non-payment of rates justices may issue warrant of commitment) of the Distress for

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Rates Act 1849 with respect to the recovery and enforcement of the poor rate shall cease to apply Provided that any provisions limiting the period within which proceedings must be commenced for the recovery of the general district rate in a court of summary jurisdiction shall not apply to the poor rate.

Audit of accounts.

128.—(1) In the event of the Corporation making an order in pursuance of the last preceding section of this Act the accounts of the overseers and collectors of poor and other rates relating to the general district rate shall be submitted to and be audited by the district auditor in the manner provided by section 37 (Rates made by overseers not now audited made subject to the audit of district auditor) of the Divided Parishes and Poor Law Amendment Act 1876 and that rate shall be deemed to be a rate within the meaning of that section.

(2) The expenses of the overseers in connection with the assessment levying and collection of the general district rate shall be paid out of the district fund.

(3) The overseers shall prepare and submit to the district auditor at every audit of their accounts a financial statement in duplicate in the form and containing the particulars from time to time prescribed by the Local Government Board in respect of the general district rate One of such duplicates shall have the stamp duty chargeable according to the scale contained in the District Auditors Act 1879 affixed thereon and calculated according to the total of the sums paid to the Corporation during the period to which the statement relates and the provisions of the District Auditors Act 1879 as to the duties of the auditor with reference to such duplicates shall apply as if the said duplicates were prepared and submitted under that Act.

(4) The Corporation shall repay to the said overseers the amount of any stamp duty which may be paid by them upon any financial statement pursuant to the provisions of this Act.

(5) The provisions of section 5 (Regulations as to audit) and section 6 (Stamp duties under Inland Revenue) of the District Auditors Act 1879 shall apply to the accounts of the overseers and collectors and to the stamp duty on such financial statements as aforesaid and any overseer who shall

fail to comply with the provisions of this Act with respect to a financial statement shall be liable to the penalty provided in section 7 (Failure to submit financial statement) of the last-mentioned Act.

Owner may be rated instead of occupier in certain cases.

129. On an order being made by the Corporation in pursuance of the section of this Act whereof the marginal note is "General district rate may be assessed as borough rate" the following provisions shall apply and have effect (that is to say):—

(1) The owner instead of the occupier may from time to time at the option of the Corporation be rated to the poor borough and general district rates leviable within the borough—

(A) Where the rateable value of the property does not exceed ten pounds; or

(B) Where the premises are let in separate apartments; or

(C) Where the rents are collected weekly:

Provided that the owner so rated shall be bound to pay such rates whether the premises are occupied or not and shall be entitled to a deduction of twenty-five per centum from the amount of the rates when paid by him if he shall pay the same within three months after the rate shall have been made or within two months after the same shall have been demanded whichever shall be the later:

(2) When the Corporation exercise the option under this section of causing the owner to be rated instead of the occupier they shall forthwith give notice thereof to the overseers and the overseers shall rate the owner accordingly and the provisions of this section shall apply within the borough in substitution for the provisions of sections 3 4 and 5 of the Poor Rate Assessment and Collection Act 1869 and subject to and with such substitution as aforesaid the provisions of such Act as amended by the Local Government Act 1894 shall remain in operation and shall extend and apply to the general district rate (in substitution for the provisions of section 211 of the Public Health Act 1875) in like manner as to the poor rate.

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Appointment of officers.

130. The Corporation may appoint and remove such officers as they deem necessary to assist the overseers of any parish or township in the borough in the discharge of their duties and fix the remuneration to be paid to such officers.

Assistant overseer and others to give security to Corporation.

131.—(1) All officers appointed or to be appointed by the Corporation to assist in the discharge of the duties of the overseers of any parish within the borough and any assistant overseer appointed by the Corporation shall give such security to the Corporation for the due performance of their duties as may be required by the Corporation and the district auditor appointed by the Local Government Board shall report thereon annually to the Corporation and such securities shall be deposited with the Corporation and not with the board of guardians.

(2) Assistant overseers appointed by the Corporation shall not be required to give security to the guardians of the union under section 61 of the Poor Law Amendment Act 1844.

Expenses of execution of Act.

132. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made may be defrayed out of the district fund and general district rate or the borough fund and borough rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

PART XV.

MISCELLANEOUS.

Weight ticket or note on delivery of coke over two hundredweight.

133.—(1) Where any coke sold or represented to be sold as a load by weight and exceeding two hundredweight in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according to the form in the Third Schedule to the Weights and Measures Act 1889 or according to a form to the like effect.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

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(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

(4) Any purchaser of coke in a quantity exceeding two hundredweight and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold as aforesaid or any vehicle used for the carriage of such coke be weighed or re-weighed by any instrument stamped by an inspector of weights and measures:

Provided—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation:

(B) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing:

And if any person obstructs any weighing or re-weighing authorised by this section he shall be liable to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section.

Regulating sale of coke under two hundredweight.

134.—(1) Every person who shall sell offer or expose for sale orca use to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

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(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold offered or exposed for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures Provided—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation:

(B) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) If the seller or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section.

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(6) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this subsection have been complied with.

Provisions as to licensing of boxing exhibitions.

135. From and after the thirty-first day of October one thousand nine hundred and fourteen section 129 (Provisions as to places for dancing music and other public entertainment) of the Preston Improvement Act 1880 shall be construed and have effect as if there had been inserted therein after the word "music" the words "boxing boxing displays or exhibitions."

Fire alarms.

136. The Corporation may erect or fix street fire alarms in such positions in any street road or public place as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to inspect and certify taximeters.

137. The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the borough to be tested and inspected before being first used and at such reasonable intervals of time as the Corporation may require and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register accordingly Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable upon conviction to a penalty not exceeding forty shillings.

Power to convert destructor refuse into slabs and other materials and to use and sell such materials.

138. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connection with their refuse destructor or destructors into slabs of artificial stone bricks concrete mortar material for filtration or percolation purposes at sewage disposal works and other materials and may construct such buildings and works and may in connection therewith provide and erect such machinery plant and

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appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the destructor account in the district fund.

Ejection of steam and waste gas.

139. All steam or waste gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of 110 degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Power to appoint additional inspectors of nuisances.

140. The Corporation may appoint more than one inspector of nuisances and sections 189 (Appointment of officers of urban authority) and 191 (As to medical officer of health &c.) of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly.

In executing works for owners Corporation not liable for damages save in case of negligence.

141. Whenever the Corporation under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of misconduct or negligence on the part of the Corporation or any contractor or person employed by them are required to pay any damages penalties costs charges and expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be deemed to be part of the expenses payable by such owner or occupier and shall be recoverable accordingly.

Inquiries by Local Government Board.

142.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Informations by whom to be laid.

143. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk.

Evidence of appointments authority &c.

144. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the Corporation under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution or order of the Corporation or of any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach of conditions of consent of Corporation.

145. Where under any enactment for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of any act or thing without the required consent.

Penalty on occupier refusing execution of Act.

146. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order

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in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his 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.

Authentication and service of notices &c.

147. In the case of any notice or demand under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Consent of Corporation to be in writing.

148. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed may be given under the hand of the town clerk.

Apportionment of expenses in case of joint owners.

149. Where under the provisions of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Confirmation of byelaws.

150. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 and the Municipal Corporations Act 1882 are applicable.

As to appeal.

151. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of

any certificate licence consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Recovery of penalties &c.

152. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

153. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Damages and charges to be settled by justices.

154. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Penalties to be paid over to treasurer.

155. All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and shall be carried by him to the credit of the district fund or to such other fund as the Corporation direct.

Compensation &c. how to be determined.

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

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to any penalty for any offence in this Act mentioned the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

Persons acting in execution of Act not to be personally liable.

157. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

Saving for indictments.

158. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Judges not disqualified.

159. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any local rate of the borough.

Powers of Act cumulative.

160. All the powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Crown rights.

161. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

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Costs of Act.

162. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of the district fund or out of both of them or such other funds and revenues and in such proportions as the Corporation may by resolution determine or out of money to be borrowed under this Act for that purpose.

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