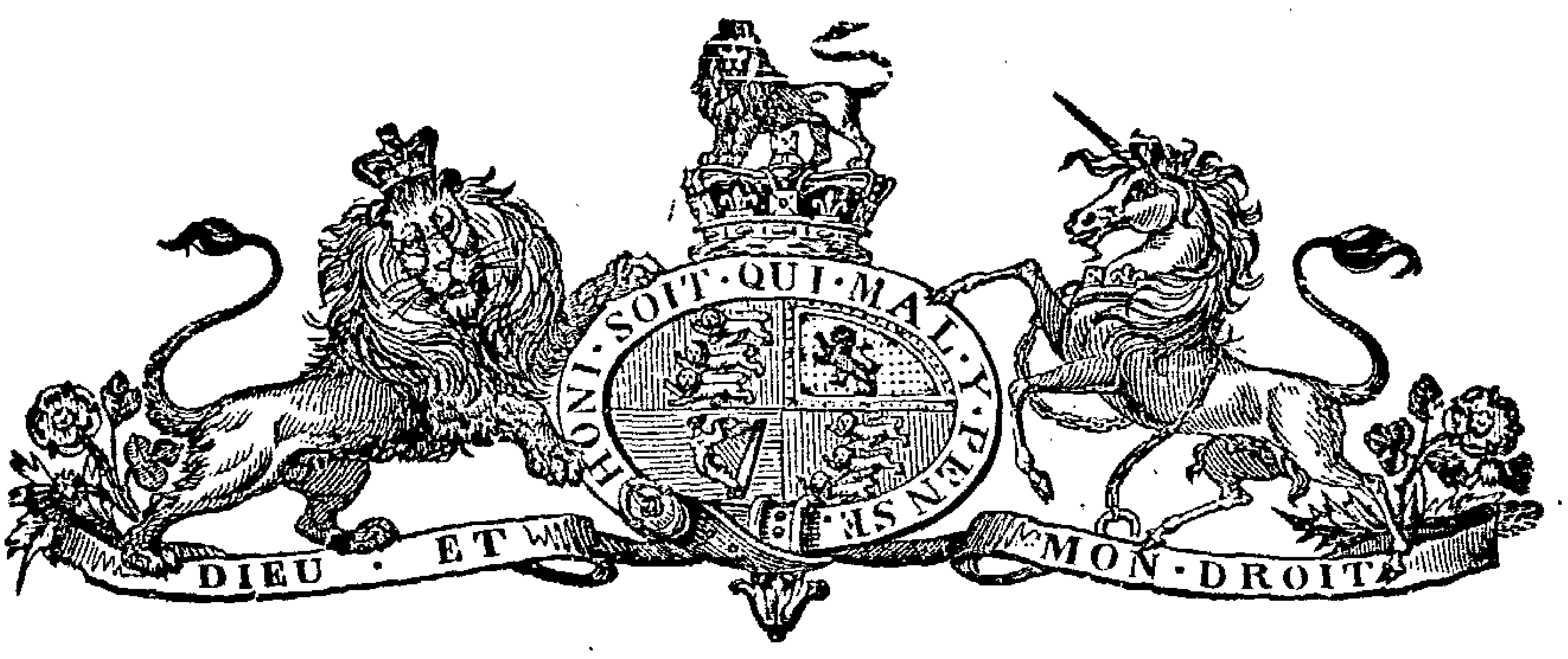


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

****

Cap. cxcv.

An Act for the Improvement of the Town of *Southport* and the Neighbourhood thereof; and for other Purposes. [29th *June* 1865.]

WHEREAS an Act was passed in the Session of the Ninth and Tenth Years of Her present Majesty, intituled *An Act for paving, lighting, watching, watering, cleansing, regulating, and otherwise improving the Town of* Southport *in the County Palatine of* Lancaster, *and for establishing and regulating a Market and Market Places therein*, and which Act was to be put in force for all the Purposes thereof within the Town of *Southport* defined by that Act, and for Paving and Highway Purposes within the Town of *Southport*, and also within certain other extended Limits defined by that Act: And whereas the Commissioners appointed under the recited Act (in this Act called the "existing Commissioners") have proceeded to put the recited Act into execution, and have under that Act established in *Southport* Gasworks, Markets, a Town Hall, and Slaughter-houses: And whereas under the recited Act the existing Commissioners are indebted on Mortgage in the Sum of Twenty-four thousand five hundred Pounds, of which Sum Two thousand one hundred Pounds has been borrowed on the Rate for Paving and Highway Purposes, and Twenty-two

9 & 10 Vict. c. xxx.

thousand four hundred Pounds has been borrowed on the Rate for Sewering, Lighting, and General Purposes: And whereas the Powers and Provisions of the recited Act are insufficient, and it is expedient that further Provision be made for the Election of Commissioners, and for the making of new Streets and Bridges, and for the widening and paving of Streets, and for the Drainage and general Improvement of the District within the extended Limits of this Act, and for the Erection of additional Gasworks and Markets, and for the other Purposes for which Provision is made by this Act: And whereas the existing Commissioners were in the Year One thousand eight hundred and sixty-one appointed the Burial Board for the Town of *Southport*, as defined by the recited Act, and as such Burial Board have purchased Lands for and are proceeding to form a Cemetery, and have borrowed Seven thousand Pounds for the Purposes of the Cemetery on the Credit of the Burial Rate authorized to be raised by the Twenty-third and Twenty-fourth of *Victoria*, Chapter Sixty-four; and it is expedient that the Commissioners incorporated by this Act be the Burial Board within the extended Limits in that Behalf of this Act, and be empowered to levy under this Act a Cemetery Rate in lieu of such Burial Rate: And whereas it is expedient that the recited Act be repealed, and that some of the Provisions thereof be re-enacted, with Amendments: And whereas the Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for any Purpose as "The *Southport* Improvement Act, 1865."

Commencement of Act.

2. This Act shall commence and have Effect on and from the passing thereof, or on and from the First Day of *August* One thousand eight hundred and sixty-five, whichever shall last happen.

Limits of Act for Improvement Purposes.

3. This Act shall for all Purposes not by this Act otherwise provided for be put in force within the District comprised within the following Boundaries (and which District is in this Act called "the Town"); (that is to say,) the Boundary Line dividing the Township of *Birkdale* from the Township of *North Meols;* the Boundary Line dividing the Parish of *Halsall* from the Parish of *North Meols* up to the Intersection thereof by a Brook called *Fine Jane's Brook*, the said Brook from the said Point of Intersection up to the Intersection of the said Brook by *Foul Lane; Foul Lane* (including the Site thereof) up to its Junction with *Long Lane; Long Lane* (including the Site thereof) up to its Junction with *Row Lane;* the Footpath (including

(including the Site thereof) called the Church Gate, from its Junction with *Row Lane* up to a Foot Bridge in the said Church Gate near *Old Mill Brow;* a Footpath (including the Site thereof) from the said Foot Bridge, and extending therefrom in a North-westerly Direction until its Junction with a Lane in continuation thereof; the said Lane (including the Site thereof) from the Terminus of the said last-named Footpath to the Terminus of the said Lane on the Marsh on the Seashore; a straight Line extending in a North-westerly Direction from the Terminus of the said last-named Lane down to the Low-water Mark of the highest Spring Tides; the Seashore along the said Low-water Mark up to a Point opposite to the Boundary between the Township of *Birkdale* and the Township of *North Meols;* and a straight Line drawn therefrom up to the said Boundary, and forming a continuous straight Line with such Boundary.

Extension of Limits for certain new Streets.

4. Provided always, That, so far as may be requisite for making the new Streets in the Township of *Birkdale*, as by this Act provided, this Act may be put in force within the Township of *Birkdale*.

Limits of Act for Gas.

5. This Act shall with respect to the Supply of Gas be put in force within the following Limits; that is to say, all Places within a Circle of a Radius of Six Miles measured from the Town Hall in *Southport*, except only those Places within that Circle which are within the District of the Local Board for the Township of *Birkdale;* provided that, so far as is by this Act expressly provided, Gas may, under the Authority of this Act, be supplied for the Township of *Birkdale*.

As to the Supply of Gas beyond a Circle of Three Miles from Southport Town Hall.

6. If at any Time hereafter it shall appear to the Surveyor or Board of Highways or Waywarden appointed by the Inhabitants of the District beyond a Circle of a Radius of Three Miles from the Town Hall in *Southport*, and within a Circle of a Radius of Six Miles from such Town Hall, that any Portion of such District requires to be lighted with Gas, such Surveyor or other Person may give Notice in Writing to the Commissioners, requiring them to lay down and maintain proper and sufficient Mains and other Works, and to supply sufficient Gas within and along such of the Highways or Streets in such District as shall be specified in such Notice; and if the Commissioners do not within Twelve Months after such Notice lay down such Mains and other Works, or if they do not from Time to Time thereafter maintain the same and supply Gas, as required by such Notice, and if any other Person, after the Expiration of such Twelve Months, shall, with the Sanction of such Surveyor or other Person, lay down suitable Mains and other Works within such District and supply Gas to the Satisfaction of such Surveyor or other

other Person, then and so soon as such last-mentioned Mains and other Works shall have been laid down and Gas supplied as aforesaid the District named in such Notice, or so much thereof in which the Commissioners shall have failed in compliance with such Notice to lay down Mains and other Works, and to supply Gas, and in which Mains and other Works shall be so laid down and Gas supplied by any other Person, shall cease to be within the Gas Limits of this Act: Provided that this Section does not apply to any Place within the District of the Local Board for the Township of *Birkdale*.

Limits of Act for Cemetery Purposes.

7. This Act shall, with respect to Cemetery Purposes, be put in force within the Town, but not within the Township of *Birkdale*.

Same Meanings in incorporated Acts as in this Act.

8. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Interpretation of Terms.

9. In this Act and the Acts wholly or partially incorporated therewith the following Words and Expressions have the following Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction; the Words "House" and "Dwelling House" respectively include all Messuages, Tenements, Warehouses, Manufactories, and Buildings; the Word "Street" means and includes any Road, Lane, Footway, Square, Court, Alley, and Passage (whether a Thoroughfare or not); the Expression "existing Commissioners" means the Commissioners acting in the Execution of the recited Act; the Expression "the Commissioners" means the Commissioners incorporated by this Act; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Recited Act repealed.

10. On and from the Commencement of this Act the recited Act is by this Act repealed.

Commissioners to remain entitled to their Property.

11. Notwithstanding the Repeal of the recited Act, but subject to the Provisions of this Act, the Commissioners shall, on and from the Commencement of this Act, be seised and possessed of and entitled to all the Mains, Pipes, Works, Conveniences, Lands, Buildings, Estates, Rights, Interests, Privileges, Easements, Monies, Property, Effects, Chattels, Choses in Action, Claims and Demands whatsoever of or to which the existing Commissioners under or by virtue of the recited

recited Act or the Burial Acts, or otherwise howsoever, are immediately before the Commencement of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances as if the Commissioners were the existing Commissioners and this Act were not passed.

Conveyances to remain.

12. Notwithstanding the Repeal of the recited Act, all Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act, to, with, in favour of, or by, for, or on behalf of the existing Commissioners, or any Person on their Behalf, shall be and remain as good, valid, and effectual, in favour of, against, and with reference to the Commissioners, and may be proceeded on and enforced in like Manner, to all Intents and Purposes, as if the Commissioners were the existing Commissioners and this Act were not passed.

Actions not to abate.

13. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the existing Commissioners before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, shall continue and take effect both in favour of or against the Commissioners in like Manner to all Intents and Purposes as, if this Act were not passed, the same might continue and take effect in favour of or against the existing Commissioners.

Tolls and Rates to be recoverable.

14. Notwithstanding the Repeal of the recited Act, all Tolls and Rates which immediately before the Commencement of this Act are due and payable or accruing due and payable to the existing Commissioners, shall from and after the Commencement of this Act be payable to and may be collected and recovered by the Commissioners.

Debts due to and by the existing Commissioners to be paid to and by Commissioners.

15. Notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act owe any Sum of Money to the existing Commissioners, or to any Person on their Behalf, shall pay the same, with all Interest, if any, due or to accrue due for the same, to the Commissioners; and all Debts and Monies which immediately before the Commencement of this Act are due or owing by or recoverable from the existing Commissioners, or for the Payment whereof the existing Commissioners are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Commissioners.

16. Notwith-

Commissioners to be liable to repair certain Portion of Ormskirk Road.

16. Notwithstanding the Repeal of the recited Act, the Commissioners shall, from and after the Commencement of this Act, continue to be liable to maintain and repair so much of the Highway called the *Ormskirk Road* or *Meol's Cop* as is within the Limits of the recited Act for Paving and Highway Purposes, and is not within the Town as defined by this Act, and shall, as Surveyors of Highways, have the like Powers and Authorities, and be subject to the like Liabilities in respect of such Part as aforesaid of the said Highway, as if such Part were included within the Town.

Commissioners to be liable in all respects as if Act had not passed.

17. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done and suffered respectively under the recited Act shall be as valid as if this Act were not passed, and the Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Repeal had not happened and this Act were not passed, would be incident to and consequent on any and everything so done and suffered respectively, and the Commissioners shall have and be subject and liable to all Rights, Liabilities, Claims, and Demands, at Law and in Equity, in the same Manner and to the same Extent as the existing Commissioners would have been subject to or liable in respect of the same if this Act had not passed; provided that the Generality of this Enactment shall not be restricted by any other of the Sections and Provisions of this Act.

Byelaws, &c. to remain in force.

18. Notwithstanding the Repeal of the recited Act, all Rules, Regulations, Byelaws, and Orders made under the recited Act, and in force at the Commencement of this Act, shall continue in full Force for Six Months after the Commencement of this Act, unless they be sooner repealed, altered, or varied under this Act; and such Rules, Regulations, Byelaws, and Orders, and all Penalties and Forfeitures thereby respectively imposed, and all Penalties and Forfeitures incurred under the recited Act, may and shall be enforced, recovered, and applied in like Manner in all respects as the same respectively might be enforced, recovered, and applied in case the same were made and imposed respectively by or under this Act.

Officers to continue.

19. Notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Commissioners, until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Byelaws, Pains, and Penalties, in all respect whatsoever, as if he were appointed under this Act.

20. Notwith-

Books to be Evidence.

20. Notwithstanding the Repeal of the recited Act, all Books and other Documents by that Act directed or authorized to be kept, and which if that Act were not repealed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

10 & 11 Vict. c. 16. incorporated.

21. "The Commissioners Clauses Act, 1847," except Section 24 thereof, is incorporated with this Act.

Incorporation of Southport Improvement Commissioners.

22. The Commissioners for executing this Act shall, by the Name of "The *Southport* Improvement Commissioners," be One Body Corporate, with perpetual Succession and a Common Seal, with Power to sue and be sued in that Name, and to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to put this Act in all respects into execution.

Provision in the event of a Charter of Incorporation being granted to Southport.

23. In the event of a Charter of Incorporation being granted under the Acts relating to Municipal Corporations for the Erection of the Town or any Part thereof into a Municipal Borough, then the Commissioners shall, within Six Months after the granting of the Charter, transfer to the Body Corporate of such Borough all the Rights, Powers, Estates, Property, and Liabilities of the Commissioners, and such Transfer shall be made by Deed under the Common Seal of the Commissioners; and upon any such Transfer being so made such Body Corporate shall be the Commissioners for executing, by the Council of the Borough, the several Powers and Provisions of this Act; and all the Rights, Powers, Estates, and Property vested in the Commissioners at the Time of such Transfer shall vest in such Body Corporate, and all the Liabilities and Obligations of the Commissioners shall stand transferred to and be borne by such Body Corporate, and the Commissioners shall be freed and discharged from all such Liabilities and Obligations.

First Commissioners.

24. The Persons who at the Commencement of this Act are the existing Commissioners shall be the Commissioners until the First *Thursday* in the Month of *September* One thousand eight hundred and sixty-five, on which Day they shall retire from Office, and Twenty-seven Commissioners shall be elected under this Act, the retiring Commissioners being, if duly qualified, eligible for Election under this Act.

Division into Wards for Election of Commissioners.

25. For the Election of Commissioners the Town shall be divided into Three Wards, as follows:

One Ward, to be called the "West Ward," and to comprise so much of the Town as lies between the South-westerly Boundary of the Town and a Line drawn from the Seashore along the Centre

Centre of *Nevill Street* to its Junction with *Lord Street*, thence along the Centre of *Lord Street* to its Junction with *East Bank Street*, and thence along the Centre of *East Bank Street*, *East Bank Lane*, *Trap Lane*, and *Town Lane* to the Point of Intersection of *Town Lane* with the Boundary of the Town;

Another Ward, to be called the "Central Ward," and to comprise so much of the Town as lies between the Line lastly described and a Line drawn from the Seashore along the Centre of *Sea Bank Road*, *Union Street*, and *Church Street* to the Junction of *Church Street* with *Hawes Side Lane*, thence along the Centre of *Hawse Side Lane* to its Junction with *Little London Lane*, thence along the Centre of *Little London Lane* to its Junction with *Tithebarne Lane*, thence along *Tithebarne Lane* to its Junction with the High Road leading from *Southport* to *Ormskirk*, and thence along that High Road to its Intersection with the Boundary Line of the Town;

And another Ward, to be called the "East Ward," and to comprise the Remainder of the Town not comprised in West Ward or Central Ward.

Number of Commissioners for Wards.

26. The Number of Commissioners shall be Twenty-seven, and Nine shall be elected for each Ward.

First Election of Commissioners.

27. The First Election of Commissioners shall take place on the First *Thursday* in the Month of *September* One thousand eight hundred and sixty-five.

Qualification of Commissioners.

28. The Qualification of a Commissioner shall be his being a Male of full Age, and his being an Occupier of Premises within the Town in respect of which he is liable to be rated under this Act, and his being an Owner or Occupier of any Tenement or Tenements rated in the then last Rate for Paving and Highway Purposes under the recited Act, or the then last Paving and Highway Rate under this Act, on a yearly rateable Value of Twenty Pounds or upwards.

Qualification of Owners as Electors.

29. Every Person of full Age, and every incorporated Company who shall be Owner of any Tenement in respect whereof either the Owner or the Occupier shall be rated or liable to be rated to any Rate made within Twelve Months next before the Day of Election, such Rates respectively being either Rates under the recited Act or Paving and Highway Rates under this Act, and who shall have paid all Rates under the recited Act or this Act payable by such Owner or Company at any Time before the Commencement of the Third Month next before the Day of Election, shall be entitled to vote in the Election of Commissioners.

30. Every

Qualification of Occupiers as Electors.

30. Every Person of full Age, and every incorporated Company, who shall be rated or liable to be rated as Occupier of any Tenement to any Rate made within Twelve Months next before the Day of Election, such Rates respectively being either Rates under the recited Act or Paving and Highway Rates under this Act, and who shall have paid all Rates under the recited Act or this Act payable by such Occupier or Company at any Time before the Commencement of the Third Month next before the Day of Election, shall be entitled to vote in the Election of Commissioners: Provided always, that where the Owner instead of the Occupier is rated under this Act in respect of any rateable Tenement the Occupier of such Tenement shall in respect thereof be entitled to vote in the Election of Commissioners.

Scale of voting.

31. The Scale of voting according to which the Owners and Occupiers respectively are entitled to vote shall be the following Scale; (that is to say,)

If the Tenement in respect of which he is entitled to vote be rated upon a yearly rateable Value of less than Fifty Pounds, he shall have One Vote;

If the yearly rateable Value amount to Fifty Pounds and be less than One hundred Pounds, he shall have Two Votes;

If the yearly rateable Value amount to One hundred Pounds and be less than One hundred and fifty Pounds, he shall have Three Votes;

And if the yearly rateable Value amount to or exceed One hundred and fifty Pounds, he shall have Four Votes.

Voting as Owner and Occupier.

32. Every Person and every incorporated Company who is Owner and *bonâ fide* Occupier of the same Tenement shall be entitled to vote according to the Scale prescribed by this Act both in respect of such Ownership and of such Occupation.

Limiting Number of Votes.

33. Provided always, That no Person or Company shall under this Act be entitled to more than Four Votes.

Votes of joint Owners or Occupiers.

34. Provided always, That if several Persons be joint Owners or joint Occupiers of a Tenement which confers a Right of voting, then the Person first named on the Rate Book as One of the Owners or Occupiers of such Tenement shall for the Purpose of voting be deemed the sole Owner or Occupier thereof, and shall be entitled to vote in respect thereof, without Proof of the Concurrence of the other Owners or Occupiers thereof.

Company voting to be deemed One Owner.

35. Every incorporated Company by this Act authorized to vote at any Election of Commissioners shall for the Purposes of such voting

voting be considered as One Owner or One Occupier, and may vote by Proxy, signed on behalf of the Company by the Secretary or Chief Clerk of the Company duly authorized by the Company.

First and other Meetings of Commissioners.

36. The Commissioners shall hold their First Meeting at the Commissioners Room on the Second *Tuesday* after the Commencement of this Act, and the Annual Meeting of the Commissioners shall be held on the First *Tuesday* in the Month of *July* in every Year.

Approval of Acts of Committee.

37. The Acts and Proceedings of every Committee of the Commissioners shall be from Time to Time submitted to the Commissioners for their Approval.

Qualification of Auditor.

38. Provided always, That it shall not be necessary for a Person appointed Auditor to have the like Qualification and he shall not be subject to the like Disqualification or Disability as the Commissioners.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

39. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are incorporated with this Act.

Power to take Lands for new Streets, Widenings of Streets, and other Works.

40. And whereas Plans and Sections showing the Lines and Levels of the intended new Streets, Widenings of Streets, and Works, and also a Book of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands in, through, and over which the intended new Streets, Widenings of Streets, and Works are intended to be made or to pass, have been deposited with the Clerk of the Peace for the County of *Lancaster:* Therefore, subject to the Provisions of this Act, the Commissioners may, for the Purposes of the intended new Streets, Widenings of Streets, and Works (not being Bridges), enter upon, take, and use such of the Lands delineated on those Plans and referred to in that Book of Reference as they think necessary.

Power to take Lands described in Schedules (A.), (B.), (C.), and (D.) for specified Purposes.

41. The Commissioners from Time to Time may purchase and take all or such Part as they think fit of the following Lands for the following Purposes; (that is to say,)

For the Purposes of the Gasworks, the Lands described in Schedule (A.) to this Act annexed;

For the Purposes of the Markets, the Lands described in Schedule (B.) to this Act annexed;

For General Improvement Purposes, the Lands described in Schedule (C.) to this Act annexed;

And for the Purposes of the Town Hall and Markets, the Lands described in Schedule (D.) to this Act annexed.

42. If

Errors in Plans, &c. may be corrected by Justices who shall certify the same.

42. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on those Plans or in that Book of Reference, or in any Schedule to this Act, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction, may apply to Two Justices for the Correction thereof; and if it appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or erroneous Description; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Lancaster*, and be kept by him with the other Documents to which it relates; and thereupon such Plans, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate, and the Commissioners may make the Works and take any Lands in accordance with such Certificate as if such Omission, Mis-statement, or erroneous Description had not been made.

Certificate to be deposited.

Powers for compulsory Purchases limited.

43. The Powers of the Commissioners for the compulsory Purchase of Lands under this Act for any of the Purposes thereof shall not be exercised after the Expiration of Three Years after the Commencement of this Act.

Power to purchase Lands by Agreement.

44. The Commissioners from Time to Time may, by Agreement, purchase and rent for any of the Purposes of this Act any Lands within the Town.

Lodging Houses not to be taken without Notice given.

45. The Commissioners shall, not less than Eight Weeks before they take in any Parish Houses amounting to Fifteen in Number or more occupied by Persons belonging to the Labouring Classes either wholly or partially as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in Public View upon or within a reasonable Distance from such Houses; and the Commissioners shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Commissioners have made known their Intention to take the same in manner herein-before required.

Sale of Lands by Commissioners.

46. The Commissioners from Time to Time may sell any Lands from Time to Time vested in them, and not required for any of the Purposes of this Act.

10 & 11 Vict. c. 15. incorporated.

47. "The Gasworks Clauses Act, 1847," except the Provisions thereof "with respect to the Amount of Profit to be received by the Undertakers

Undertakers when the Gasworks are carried on for their Benefit," is incorporated with this Act.

Power to make and supply Gas.

48. Subject to the Provisions of this Act, the Commissioners from Time to Time may maintain, alter, enlarge, and discontinue the existing Gasworks, with the Gasometers, Works, and Conveniences thereof, and may, in and upon any Lands for the Time being vested in them for the Purposes of the Gasworks, maintain, alter, enlarge, and discontinue such Gasworks, Retorts, Gasometers, Gasmeters, Mains, Pipes, Apparatus, Works, and Conveniences, and such Houses, Buildings, and Approaches, and do all such Acts as they think proper for making and storing Gas, and for supplying Gas within the Limits in that Behalf of this Act, and may make, store, and supply Gas accordingly, and may sell the Gas Coke and other Products of the Manufacture of Gas as they from Time to Time think fit: Provided always, that the Commissioners shall not under this Act manufacture Gas on any Lands other than the Lands vested in them by this Act for the Purposes of the Gasworks and the Lands described in Schedule (A.) to this Act annexed.

Power to lay Pipes across Railways.

49. The Commissioners from Time to Time may lay down, alter, remove, maintain, and repair all such Gas and Water Mains and Pipes as they think fit under and across the *Liverpool* and *Southport* Section of the *Lancashire and Yorkshire* Railway at the several Places in the Township and Parish of *North Meols* where *Boundary Street*, *Duke Street*, *Portland Street*, and *Eastbank Street* abut on that Railway, and under and across the *Manchester* and *Southport* Section of such Railway where *London Lane* abuts on that Railway: Provided always, that before the Commissioners proceed to lay down, alter, remove, maintain, or repair any such Mains or Pipes they shall give not less than Seven Days Notice thereof to the Secretary of the *Lancashire and Yorkshire* Railway Company or other Company owning the *Liverpool and Southport* Railway and the *Manchester and Southport* Railway respectively; and the Works shall be executed by the Commissioners under the Superintendence and to the Satisfaction of the Principal Engineer of that Company; and the Commissioners shall make full Compensation to the said Company for all Damages sustained by them through the Exercise of any of the Powers by this Act conferred upon the Commissioners.

Commissioners not to acquire Lands of the Lancashire and Yorkshire Railway Company.

50. It shall not be lawful for the Commissioners, in the Exercise of the Powers conferred upon them by the last preceding Enactment, to purchase or take, without the Consent of the *Lancashire and Yorkshire* Railway Company, any Lands belonging to that Company, but the Commissioners may purchase and take, and the said Company shall sell and grant accordingly, an Easement or Right of using the

the said Lands, subject to the Provisions and Restrictions herein contained.

Commissioners may light Streets, &c.

51. The Commissioners from Time to Time may light with Gas such of the Streets and public Buildings within the Town, and at such Times and in such Manner as they think fit, and may provide, lay, and affix such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works and Conveniences as they think requisite for that Purpose.

Power to lay Pipes for lighting Buildings.

52. The Commissioners may, with the Consent of the Owner and Occupier of any Building, lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against such Building, for the Purpose of lighting the same, and may, with the like Consent, provide and set up any Apparatus necessary for securing to such Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of the Supply.

Heads of Arrangement in Schedule (F.) confirmed.

53. The Heads of Arrangement between the existing Commissioners and the Local Board for the Township of *Birkdale*, which are set forth in the Schedule (F.) to this Act annexed, are by this Act confirmed and made binding on the Commissioners and the Local Board respectively, and full Effect may and shall be given to the same.

Supply of Gas in Birkdale.

54. The Commissioners from Time to Time, by Agreement with the Local Board for the Township of *Birkdale*, may supply to the Local Board Gas to be distributed by them within their District, and with the Consent of the Local Board may supply Gas to be distributed by the Commissioners to private Consumers within the District of the Local Board; and the Commissioners and the Local Board from Time to Time may enter into and carry into effect such Agreements in that Behalf, and on such Terms, pecuniary and otherwise, and Conditions, as they think fit; provided that no such Agreement shall be absolute for more than Three Years.

Limiting Price of Gas.

55. The Commissioners shall not demand or receive for the Supply of Gas by Meter any Sum exceeding a Sum after the Rate of Five Shillings *per* One thousand Cubic Feet of such Gas.

Consumers of Gas may be required to consume Gas by Meter.

56. Every Consumer of Gas supplied by the Commissioners shall, on the Request of the Commissioners, consume the Gas supplied to him by Meter, to be provided by the Commissioners at the Expense of the Consumer, or, at the Option of the Consumer, to be provided by the Consumer, and approved by the Commissioners before it is used or set up.

As to Quality of Commissioners Gas.

57. Unless prevented by unavoidable Cause or Accident, or during necessary Repairs, all the Gas supplied by the Commissioners shall be of such illuminating Power at the Place of testing such Gas as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, and consuming Five Cubic Feet of Gas *per* Hour, a Light equal in Intensity to the Light produced by Fourteen Sperm Candles of Six in the Pound burning One hundred and twenty Grains *per* Hour.

Commissioners to erect a Meter to test illuminating Power of Gas.

58. The Commissioners shall, within Six Months after the passing of this Act, cause to be erected in some convenient Place an Experimental Meter, furnished with an Argand Fifteen-hole Burner and a Seven-inch Chimney, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of all the Gas of the Commissioners, and shall at all Times keep and maintain the Experimental Meter and Apparatus in good Repair and working Order.

Power to test the illuminating Power of the Gas.

59. It shall be lawful for any Two Justices (not being Commissioners) from Time to Time, if they think fit, on receiving a Requisition signed by Five or more Consumers of the Gas of the Commissioners, complaining that the Gas supplied by the Commissioners is not in their Judgment or Belief of the full illuminating Power prescribed by this Act, in Writing, to appoint some competent Person, not being an Officer or Servant of the Commissioners, to test the illuminating Power of the Gas, and the Person so appointed, on giving Six Hours previous Notice in Writing to the Commissioners, may, at any reasonable Hour in the Daytime, on producing the said Order, enter on the Premises of the Commissioners, and, in the Presence of the Manager or other Officer of the Commissioners, make Experiment of the illuminating Power of the Gas by means of such Experimental Meter and other Apparatus, and the Commissioners and their Officers shall afford all reasonable Facilities and Assistance to the making of such Experiment; and if it shall be proved to the Satisfaction of any Two Justices not being Commissioners, after hearing the Parties, that the illuminating Power of the Gas supplied by the Commissioners did not when so tested as aforesaid equal the illuminating Power by this Act prescribed, or that the Commissioners or their Officers refused to afford such reasonable Facilities as aforesaid, or hindered or prevented the making of such Experiment, in any such Case the Commissioners shall forfeit such Sum not exceeding Twenty Pounds as the Justices shall determine.

To prevent fraudulent Consumption of Gas.

60. Every Person who knowingly or wilfully prevents any Meter from duly registering the Quantity of Gas supplied by the Commissioners, or who knowingly or wilfully destroys or effaces any Stamp or

or Mark which is now or may be hereafter used under any Act of Parliament for the stamping or marking of any Meter employed for registering Gas supplied by the Commissioners, shall for every such Offence forfeit and pay to the Commissioners a Sum not exceeding Five Pounds; and every such Prevention, Destruction, or effacing, where the Meter shall be under his Custody or Control, shall be *primâ facie* Evidence of such Knowledge on the Part of the Consumer using any such Meter.

Removal of Meters, &c. from unoccupied Houses.

61. In all Cases in which the Commissioners are authorized to cut off and take away the Supply of Gas from any House, Building, or Premises, then, if such House, Building, or Premises be unoccupied, the Commissioners, their Agents, Servants, and Workmen, after giving Twenty-four Hours previous Notice to the Owner, by serving the Notice on him, or, if the Owner or his Address be not known to the Commissioners, by affixing the same for Three Days on some conspicuous Part of the House, Building, or Premises, may enter into the same between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, or Fittings belonging to the Commissioners.

10 & 11 Vict. c. 14. incorporated.

62. "The Markets and Fairs Clauses Act, 1847," is incorporated with this Act; and for the Purposes of this Act the Expression "the Undertakers" in that Act means the Commissioners, and the Expression "the Market or Fair" in that Act means and includes all Market Houses, Market Places, and Places for Fairs from Time to Time under the Management of the Commissioners; and the Word Market Place in this Act includes a Market House.

Power to provide Market Places and hold Markets and Fairs.

63. The Commissioners from Time to Time may provide on any Lands vested in or acquired by them for the Purposes of the Markets all such new Market Places and Places for Fairs as they shall think fit, and may regulate and maintain the existing Market Places and Places for Fairs in the Town, and the new Market Places and Places for Fairs for the Sale of Meat, Fish, Fruit, Butter, Poultry, Eggs, Provisions, Cattle, Corn, Grain, Hay, Straw, Goods, Wares, Merchandise, and all such marketable Commodities as shall be brought to be sold or disposed of, and may remove, alter, and enlarge the Market Places and Places for Fairs for the Time being vested in them, and may open and make such Roads and Approaches thereto as they shall think fit, and may do all such other Acts and Things as they may think necessary for making, maintaining, improving, and using the Market Places and Places for Fairs, and they may hold Markets and Fairs in the Town upon such Days as they shall from Time to Time appoint, and may change the Days of holding any Market or Fair in the Town.

64. Every

Sect. 13 of 10 & 11 Vict, c. 14 to apply to Articles mentioned in Schedule (E).

64. Every Person who shall sell or expose for Sale in any Place within the Town other than his own Dwelling Place or Shop any of the Articles or marketable Commodities mentioned in Schedule (E.) to this Act annexed shall be deemed to have committed an Offence within Section 13 of "The Markets and Fairs Clauses Act, 1847," and accordingly be liable for every such Offence to a Penalty not exceeding Forty Shillings: Provided that nothing herein contained shall prejudice or interfere with the lawful Exercise by licensed Hawkers or licensed Horse Dealers of the Callings for which they are so licensed.

Power to provide Slaughter-houses.

65. The Commissioners from Time to Time may maintain, improve, alter, or discontinue their existing Slaughter-houses, and may erect, provide, and maintain upon any Land vested in them all such additional Slaughter-houses, with all necessary Fittings and Conveniences as they think fit.

Market Tolls.

66. The Commissioners and their Lessees may, from any Person bringing or exposing for Sale or for Show into any Market Place or Fair belonging to the Commissioners any Cattle, Live Stock, Carcase, Meat, Hide, Skin, Fruit, Fish, Butter, Poultry, Eggs, and marketable Commodities specified in Schedule (E.) to this Act annexed, and from any Person using or occupying in any Market Place or Place for a Fair belonging to the Commissioners any Shop, Stall, Standing, Ground Space, or Convenience specified in Schedule (E.), demand and take any Tolls, Stallages, Rents, or Sums of Money not exceeding the Sums set forth in Schedule (E.).

Slaughter-house and Weighing and Measuring Tolls.

67. The Commissioners and their Lessees may, from any Person slaughtering Cattle in any Slaughter-house belonging to the Commissioners, and for the weighing or measuring of any Article sold or brought for Sale by Weight or Measure in any Market Place belonging to the Commissioners, from any Person having any such Article weighed or measured at the Weighing Houses or Places provided by the Commissioners, demand and take any Tolls not exceeding the Sums set forth in Schedule (E.).

Power to lease Markets, &c.

68. The Commissioners from Time to Time may demise and let all or any of their Market Places, Places for Fairs, Slaughter-houses, Weighing Houses or Places, and Weighing Machines, and all or any of the Tolls, Stallages, or Rents to be demanded and taken under this Act in respect of the Markets, and all or any of the Shops, Stalls, Standings, Spaces, and other Conveniences in any Market Place belonging to the Commissioners, for any Period not exceeding Three Years, upon such Terms and Conditions as the Commissioners think fit;

fit; and any Lessee or Tenant may (but not without the Consent of the Commissioners) assign his Lease or the Benefit of his Tenancy for the unexpired Residue thereof.

10 & 11 Vict. c. 34. incorporated.

69. "The Towns Improvement Clauses Act, 1847," except Sections 6, 7, 8, 23, 27, 28, 29, 36, 38 to 43, both inclusive, and 57 to 60, both inclusive, 73, 135, 157, 158, 163, and 167 thereof is incorporated with this Act: Provided always, that the Commissioners may proceed in the Execution of any of the Powers of the Towns Improvement Clauses Act, 1847, or this Act, without the Approval of the Inspector referred to in Section 6 of the Towns Improvement Clauses Act, 1847, and as if no such Officer had been mentioned in that Act: Provided also, that the Expenses incurred by the Commissioners under Section 35 of the Towns Improvement Clauses Act, 1847, in respect of the Drainage of any House or Building, shall be repaid to them by the Owner of the House or Building in respect of which the Expenses are incurred, and shall not be defrayed by Drainage Rates, and such Expenses may be recovered as Damages.

Power to make new Streets, widening of Streets, and Works.

70. Subject to the Provisions of this Act, the Commissioners from Time to Time may make the intended new Streets, Widenings of Streets, and Works, not being Bridges, respectively shown by the Plans and Sections deposited with the Clerk of the Peace for the County of *Lancaster*, in the Line and on the Levels shown by those Plans and Sections, and on the Lands shown by those Plans and described in the deposited Book of Reference.

New and widened Streets to become Highways.

71. The several Streets to be made or widened by the Commissioners shall when so made or widened be declared by the Commissioners to be Highways, and shall thereupon become Highways; and all such Parts of the new Streets by this Act authorized to be made as are situate in the Township of *Birkdale* shall, when made and so declared to be Highways, be thereafter repairable by the same Persons and out of the same Funds as Highways in that Township are for the Time being repairable.

Power to enlarge Town Hall.

72. The Commissioners from Time to Time may enlarge, extend, and improve the existing Town Hall in *Southport*, and the Offices, Yards, Outbuildings, Approaches, and other Conveniences connected therewith, in such Manner and to such Extent as they think fit, and may provide all such additional Yards, Rooms, Offices, Buildings, and Approaches to the Town Hall as they think requisite, and for all or any of the aforesaid Purposes may from Time to Time use such of the Lands vested in or acquired by them for the Purposes of the Town Hall as they think fit.

Power to provide Parks.

73. The Commissioners from Time to Time, by Agreement, may purchase, and may accept from any Persons willing to provide the same, any Lands within the Town, or within a reasonable Distance therefrom, not exceeding Three Miles from the Town Hall, for the Purposes of Parks, Pleasure Grounds, and Places of public Resort or Recreation, and of Roads and Approaches in connexion therewith, and may in and upon those Lands construct, enlarge, improve, repair, and maintain all such Buildings, Walls, and Fences as they think requisite, and may level, drain, plant, embellish, improve, and dedicate such Lands and Buildings in such Manner as they think requisite, for all or any of the Purposes aforesaid, and may make such Roads and Approaches and such Sewers and Drains in connexion therewith as they think expedient.

Byelaws for Parks.

74. The Commissioners from Time to Time may make Byelaws for the following Purposes relating to such Parks, Pleasure Grounds, and Places of public Resort or Recreation:

For appointing and regulating the Keepers or Servants employed therein:

For regulating the Time at which the same shall be opened and closed:

For regulating the Conduct of Persons frequenting the same:

For regulating the Days on and the Hours at which Bands of Music, or Music of any Sort, shall be permitted therein:

For preventing or regulating the Admission therein of Bath Chairs, Vehicles, Horses, Mules, Asses, and Dogs:

For preventing or regulating therein of Skating, Sledging, and Sliding on Ice or Snow:

For preventing the Destruction or Injury of any Trees, Shrubs, Plants, or Flowers, or the plucking of Flowers or Leaves:

For enabling the Servants of the Commissioners to exclude Persons who shall not be clean in their Persons, and dressed in clean and decent Apparel, and to remove Persons who shall be guilty of a Breach of any of the Byelaws made by the Commissioners.

Construction of new Sewer.

75. If any Street within the Town, being a Highway repairable by the Inhabitants at large, be not sewered to the Satisfaction of the Commissioners, they may cause such Part of such Street which shall be in front of or opposite to any Messuage or Building (not being Part of a Farm Homestead), and to the Extent of Fifty Yards on each Side of such Frontage, to be sewered in such Manner as they think fit, and the Expenses thereby incurred shall be repaid to them by the Owners of the Lands adjoining or abutting on such Part of such Street as shall so be sewered, according to the Frontage of their respective Lands, and such Expense may be recovered as Damages: Provided always, that no Owner of Lands adjoining or abutting on any

any Street which has been already sewered, or which may be sewered by the Commissioners, at the Expense of the Owner of the same Lands, shall, in respect of the same Lands, be liable to the Expenses of sewering the same Street or any Part thereof under this Act.

Apportionment of Expenses.

76. If the Main Sewer hereafter made in any Street be made of larger Dimensions than requisite merely for such Street, in order to accommodate the Sewers falling into it of any other Streets, then the extra Expense of the Main Sewer occasioned by making it of such larger Dimensions shall be paid by the Owners of the Lands adjoining or abutting on such other Streets, in such Proportions as the Commissioners determine, and such Expense may be recovered as Damages.

Power to Commissioners to order Streets to be paved, &c.

77. If any Street within the Town, not being a Highway repairable by the Inhabitants at large, which now is or shall at any Time hereafter be formed or set out, shall not be paved, flagged, levelled, drained, or sewered to the Satisfaction of the Commissioners, they may, at any Time and from Time to Time, by Writing, order that any Part of such Street which shall be in front of or opposite to any Messuage or Building (not being Part of a Farm Homestead), and to the Extent of Fifty Yards on each Side of such Frontage, shall be paved, flagged, levelled, drained, or sewered in such Manner and within such Time as the Commissioners think expedient; and thereupon the several Owners of the Lands adjoining or abutting on each Side of such Part or Parts which shall be so ordered to be paved, flagged, levelled, drained, or sewered shall, within such Time and in such Manner as expressed in such Order, at their respective Expense, well and sufficiently pave, flag, level, drain, or sewer so much of such Part or Parts of the Street which shall be so ordered to be paved, flagged, levelled, drained, or sewered to the Centre thereof as is opposite to and co-extensive with their respective Lands adjoining or abutting on the Street: Provided always, that if there be Two or more such Parts which shall be ordered to be paved, flagged, levelled, drained, or sewered, or which the Commissioners shall have Power to order to be paved, flagged, levelled, drained, or sewered, and such Two or more Parts shall exceed in the aggregate Three Fourths of the entire Length of such Street as originally formed or set out, the Commissioners may, at any Time and from Time to Time, by Writing, order that the entire Length of such Street shall be paved, flagged, levelled, drained, or sewered in such Manner and within such Time as the Commissioners think expedient; and thereupon the several Owners of the Lands adjoining or abutting on each Side of the entire Length of such Street shall, within such Time and in such Manner as expressed in such Order, at their respective Expense, well and sufficiently pave, flag,

flag, level, drain, or sewer the entire Length of such Street to the Centre thereof as is opposite to and co-extensive with their respective Lands adjoining or abutting on the Street: Provided also, that if the Commissioners shall at any Time pave, flag, level, drain, or sewer any Part of such Street which is not in front of or opposite to any such Messuage or Building as aforesaid, or within the Extent of Fifty Yards on each Side of such Frontage, and any such Messuage or Building as aforesaid shall at any Time after such paving, flagging, levelling, draining, or sewering be erected in front of or opposite to the Part so paved, flagged, levelled, drained, or sewered by the Commissioners, then the Expenses incurred by the Commissioners in paving, flagging, levelling, draining, or sewering the Part in front of or opposite to such Messuage or Building shall, on Demand, be repaid to the Commissioners by the Owners of the Lands adjoining or abutting on such Part, according to the Extent of their respective Lands so adjoining or abutting; and such Expenses may be recovered as Damages.

If Owners neglect, Commissioners may pave, &c., and charge the Expenses.

78. If any such Owner fail to pave, flag, level, drain, or sewer such Part or Parts or the whole of any Street, as the Case may be, which shall be so ordered to be paved, flagged, levelled, drained, or sewered, and complete the same within such Time and in such Manner as expressed in such Order, the Commissioners may pave, flag, level, drain, or sewer any such Part of the Street as such Owner fails to pave, flag, level, drain, or sewer, pursuant to the Order, and may ascertain, determine, and charge such Owner with his Proportionate Part of the Expenses thereof, according to the Extent of his Lands adjoining or abutting on such Part or Parts or the whole of the Street, as the Case may be, which shall be so ordered to be paved, flagged, levelled, drained, or sewered, having regard in such Apportionment to the Condition of the paving, flagging, levelling, draining, or sewering of such Part or Parts, or the whole, as the Case may be, of such Street when the Commissioners made such Order; and all Expenses which the Commissioners incur, and so charge upon such Owner, shall, on Demand, be paid to them by such Owner.

Power to levy Charges on Owners.

79. If any Owner fail to pay, on Demand, the Expenses so charged on him, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; but the Commissioners may, if they think fit, allow such Time to any Owner for Payment of the Expenses or any Part thereof as they think reasonable.

Occupier to pay Expenses, and charge

80. The Commissioners in the first instance, and whether Demand be made upon the Owner or not, may require the Payment of all or any Part of the Expenses so charged on the Owner from the Person then

then or at any Time thereafter occupying the Premises in respect of which the Expenses have been incurred; and if any such Occupier fail to pay, on Demand, the Expenses so charged, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow to the Occupier all Sums which he so pays, or which are so levied by Distress, out of the Rent from Time to Time becoming due to the Owner in respect of same Premises as if the same were actually paid to him as Part of such Rent: Provided always, that no Occupier shall at any Time be liable to pay any greater Sum for such Expenses than the Amount of the Rent from Time to Time due and actually payable by him in respect of the same Premises. Owner with the same.

81. Every Order for paving, flagging, levelling, draining, or sewering any Street or any Part thereof shall be publicly posted in that Street for Two successive Weeks, and no Order shall begin to take effect until the End of One Month next after the last Posting thereof; and every Order so posted shall be a sufficient Notice to all Owners, Lessees, Occupiers, and others interested. Publication of Notice.

82. Every Part of such Street, when so paved, flagged, levelled, drained, or sewered to the Satisfaction of the Commissioners, shall be declared by them to be Highways, and shall be thereafter repairable by the Commissioners. Streets, when so paved, &c. to become Highways.

83. Whereas the Trustees acting under the Will of the late *Charles Scarisbrick* Esquire have, at the Expense of the said Trust Estate, made and constructed a Main Sewer or Drain along *Duke Street* in the Township of *North Meols*, and through the Lands vested in them, to and into the said Brook called *Fine Jane's Brook*, and several Side Drains and Sewers communicating therewith, and the whole of such Sewers and Drains will from the passing of this Act be within the Limits thereof: Therefore it shall not be lawful for any Person to lay any Sewer or Drain into or to communicate with any of the said Sewers or Drains so made and constructed by the said Trustees for the Purpose or which shall have the Effect of draining or sewering any Lands other than or besides Lands situate within the Township of *North Meols*, without the Consent in Writing of the said Trustees, their Heirs or Assigns; and the said Trustees, their Heirs and Assigns, may from Time to Time or at any Time or Times, and either with or without Compensation or Consideration, authorize and empower any Drain or Sewer to be laid into or communicate with any Drain or Sewer so made and constructed by the said Trustees as aforesaid, for the Purpose of draining or sewering any Lands other than and besides the Lands within the Township of *North Meols*; and the said Trustees, their Heirs and Assigns, shall As to Use of Main Sewer in Duke Street.

hold and be entitled to receive for their own Use and Benefit all Compensation or other Consideration which shall be given or paid or be payable for laying any Sewer or Drain into or making the same to communicate with any Sewer or Drain so made by the said Trustees as aforesaid.

Power for Mr. Scarisbrick's Trustees to place Tanks, &c.

84. It shall be lawful for the said Trustees, their Heirs or Assigns, from Time to Time, and at their Will and Pleasure, to construct any Tank or other filtering or deodorising Apparatus to communicate with the said Main Drain so constructed by the said Trustees as aforesaid with in their own Lands at any Place within the Distance of One hundred Yards of *Fine Jane's Brook* aforesaid on the South-east Side thereof, and to take and apply to their own Use the Contents and Products of such Tanks and other Apparatus: Provided that the free Flow of Water and Sewerage Matter shall not thereby or by means thereof be impeded or interrupted, and that the Trustees, their Heirs and Assigns, shall from Time to Time make good any Damage or Injury that may be done or occasioned by making or forming any Communications between such Tanks or Apparatus and the said Main Sewer.

Power to Commissioners to sewer into Fine Jane's Brook, and scour and cleanse Brook, making Compensation for Damage.

85. The Commissioners may from Time to Time form and make and maintain any Drains or Sewers to communicate with and to discharge their Contents into *Fine Jane's Brook* aforesaid, in its present Course or in any altered and deviated Course thereof, and may from Time to Time scour and cleanse *Fine Jane's Brook* aforesaid, either in its present or any altered Course, and any Continuation of *Fine Jane's Brook* between the Outfall of any such Sewer or Drain and the Sea, the Commissioners from Time to Time depositing and leaving for the Use of the Occupiers of the adjoining Lands all Sediment and other Deposit or Material which shall be removed from such Brook and the Continuation thereof in and by such scouring and cleansing, and from Time to Time making Compensation and Satisfaction to the respective Owners and Occupiers for the Time being of the adjoining Lands for all Trespass and Damage which shall be done or occasioned to them respectively by the Exercise of the Privileges and Powers hereby conferred or any of them, the Amount of such Compensation and Satisfaction to be from Time to Time settled by Arbitration in the Manner provided by the "Railways Clauses Consolidation Act, 1845," in case the Parties differ about the same: Provided that nothing herein contained shall impose on the said Trustees, their Heirs or Assigns, any Obligations or Liabilities in relation to or shall give to or confer upon the Commissioners any Right, Power, Jurisdiction, or Authority to, in, or over *Fine Jane's Brook*, in its present or any altered Course or any Continuation thereof, except such as is by this Section expressly

expressly given; and nothing herein contained shall in any Manner hinder or prevent the said Trustees, their Heirs or Assigns, from diverting into any other Watercourse, or from altering or removing, the Site, Bed, or Course of *Fine Jane's Brook* aforesaid, or any Continuation thereof, as and when they shall from Time to Time think fit, but so nevertheless as to preserve the present Depth of Outfall for the Sewers and Drains of the Commissioners.

Power to construct public Urinals.

86. The Commissioners from Time to Time may provide, in such suitable Places within the Town as they think convenient, public Urinals, Waterclosets, and other like Conveniences, and may alter and remove the same as they think expedient.

Before laying out new Streets, &c., Owner to give Notice and deposit Plan.

87. Before any Street, Sewer, or Drain within the Town, or the Level thereof, shall be formed, laid out, made, or altered, the Owner thereof, or other Person to do the same, or some Person on his Behalf, by Writing under his Hand, shall give One Month's Notice thereof to the Surveyor of the Commissioners, and deposit with him Plans and Sections showing thereon the Situation, Length, Width, and Boundaries, and the intended Levels, Size, Form, Depth, and Construction respectively of the Street, Sewer, or Drain, or of the Alteration thereof; and if any Person fail to give the Notice or to deposit the Plan or Section before beginning the Work, every Person so offending shall for every such Offence forfeit Five Pounds, and One Pound additional for every Day during which the Default continues.

Commissioners to make Order thereon.

88. The Commissioners within such One Month shall make such Order as they think expedient for regulating and determining the Levels respectively of the Street or the Alteration thereof, or the Levels, Course, Depth, Width, Form, and Construction respectively of the Sewer or Drain or the Alteration thereof.

Commissioners may carry out Order, if Owners Neglect.

89. If any Person form, lay out, make, or alter any Street, Sewer, or Drain, contrary to any such Order, the Commissioners may at any Time afterwards alter the same, so as to make the same conformable to the Order, and recover the Expense thereof from the Owner or Person in default as Damages.

Courts to be paved.

90. Every Court and Passage within the Town shall be well and sufficiently paved, flagged, channelled, sewered, drained, and kept in good Repair, to the Satisfaction of the Commissioners, by the Owners of the Lands adjoining or abutting thereon and having the Right to the Use thereof; and if any such Court or Passage be not so paved, flagged, channelled, sewered, and drained, and kept in good Repair, the

the Commissioners may pave, flag, channel, sewer, drain, or repair the same to their Satisfaction, and the Expenses attending the same shall be repaid to the Commissioners by the Owners of the Lands adjoining or abutting on such Court or Passage, and having the Use thereof, in such Proportions as the Commissioners think fit, and may be recovered as Damages.

Owner or Occupier to pave Footways of Streets of certain Width.

91. The Owner of any Lands adjoining or abutting on any present or future Street within the Town (not being a Highway repairable by the Inhabitants at large) shall, if required by the Commissioners, pave, flag, tile, or form with Stones, or such Material as the Commissioners prescribe, upon the Sides of such Street, for the whole Length of such Lands, a Footpath for the Use of Foot Passengers, of the Breadth of Five Feet where the Street does not exceed Nine Yards in Width, and of Seven Feet where the Street exceeds Nine Yards and does not exceed Twelve Yards in Width, and of Eight Feet where the Street exceeds Twelve Yards in Width; and if the Owner fail so to do the Commissioners may, if they think fit, do the Work, and the Expenses thereof shall be recoverable from the Owner in default as Damages: Provided always, that this Section shall only apply to Streets or Parts of Streets which under this Act the Commissioners are for the Time being entitled to order or require Owners to pave, flag, level, drain, or sewer.

Causeways or Footways may be enlarged.

92. The Commissioners from Time to Time may make Part of a Street into a Footway, and for that Purpose may pave, flag, tile, or form with Stones or such Materials, and of such Width and in such Manner as they think fit, upon the Sides of the Street or any Part thereof, such Footway for the Use of Foot Passengers; and the Expenses incurred by them in doing such Work shall be repaid to them by the Owners of the Lands adjoining or abutting on the Street, in proportion to their respective Frontage adjoining or abutting on the Footway.

Regulating Width of new Streets.

93. No Back Street hereafter to be formed within the Town, that is to say, a Street designed for or used as Mews, or as a Means of Access to the Back or Back Premises of any Dwelling House fronting to any Main Street, shall, if a Carriageroad, be made of less Width than Twenty-four Feet; and no other Street hereafter to be formed, and to be used as a Carriageroad, shall be made of less Width than Thirty-six Feet; and no public Thoroughfare hereafter to be formed, and not used as a Carriageroad, shall be made of less Width than Ten Feet; and the Commissioners may erect Barriers so as to prevent Passage through or along any such Street or Thoroughfare made of less than such respective prescribed Width; and if any Person, without their Consent, throw down or damage

damage any such Barrier or any Part thereof, or instigate any Person so to do, every Person so offending shall for every such Offence forfeit not exceeding Five Pounds.

Coverings of existing Openings to be repaired or maintained by Owner or Occupier.

94. The Owner or Occupier of any Premises having in the Footway or Road adjoining thereto any Opening in such Footway or Road as an Entrance into any Vault or Cellar shall provide a Door or Covering for such Opening, and maintain the same in good Repair with such Materials and of such Size as the Commissioners direct; and if any such Owner or Occupier fail for Seven Days after Notice from the Commissioners to provide such Door or Covering, or, as the Case may be, to repair the same to the Satisfaction of the Commissioners, every Person so offending shall for every such Offence forfeit not exceeding One Pound, and Ten Shillings additional for every Day during which the Default continues.

No House to be built until a Drain has been laid from the Site.

95. No House shall hereafter be built within the Town unless a covered Drain be first made to the Satisfaction of the Commissioners, of such Materials and Size, at such Level, and with such Fall as they direct or approve, which Drain shall lead from the intended Site of the House to such Sewer, Drain, Watercourse, or Place as they direct, or if there be not any Sewer, Drain, Watercourse, or Place within One hundred Feet of any Part of the intended Site of such House, then to a Cesspool or other suitable Place; and if any Person build or begin to build any House without first so making such Drain, the Commissioners may make the Drain to their Satisfaction, and recover the Expenses as Damages from the Person so in default.

Height of Rooms.

96. No House shall hereafter be built within the Town with any Room for Habitation therein less than Eight Feet in Height from the Floor to the Ceiling, (save the Attic Rooms, which may range Seven Feet in Height from the Floor to the Ceiling,) or which have not all the Windows therein made to open to the full Extent of Three Square Feet thereof, and the Area of any such Window shall not be less than Nine Square Feet clear of the Frame; and every Person offending against this Enactment shall for every such Offence forfeit not exceeding Five Pounds, and One Pound additional for every Day during which the Offence continues after Notice to him from the Commissioners.

Back Yard and Privies.

97. Every House hereafter built within the Town shall have directly attached thereto, and for the sole Use thereof, a Yard, and in every such Yard there shall be made, to the Satisfaction of the Commissioners, an Ashpit and a Privy or Watercloset, with proper Doors

Doors and Coverings; and every such Yard shall contain a clear open Space, exclusive of any Buildings or other Reductions, of at least Ninety Superficial Feet.

Dwelling Houses not to be built in close Courts.

98. After the Commencement of this Act it shall not be lawful to erect any Dwelling Houses in any Court within the Town which Court shall not be at least Eight Yards wide at all Points, and the Passage or Entrance into which Court shall not be at least Eight Feet wide, and open and uncovered for the whole Length of the Passage or Entrance.

As to Levels of Ground Floors.

99. The Level of the Ground Floor of every House to be hereafter built within the Town shall be at least Six Inches above the Level of the Footway immediately adjoining such House, whether there be a Cellar to such House or not.

Plan of new Houses.

100. Before beginning to build any new House or to rebuild any existing House within the Town the Person intending to build or rebuild shall give to the Commissioners Notice thereof in Writing, and shall accompany such Notice with a Plan showing, by Reference to some Datum satisfactory to the Commissioners, the Levels at which the Foundation of such House is proposed to be laid, and with a Plan showing the Situation of such House and its Yard, and the Privy or Watercloset and Ashpit therein, and such Plans shall be drawn to a Scale of not less than One Eighth of an Inch to a Foot.

Commissioners may signify Disapproval.

101. Within Fourteen Days after receiving any such Notice and Plans, the Commissioners may signify their Disapproval thereof, and specify the Particulars of such Disapproval in Writing, by delivering the same to the Person intending to build or rebuild such House, or his Agent, or by sending the same by Post to him, or if his Address be not known to the Commissioners, by posting the same in the principal Office of the Commissioners.

If Commissioners fail to signify their Approval, &c., Parties may proceed without.

102. If the Commissioners fail to signify their Approval or Disapproval of such Plans within such Fourteen Days, the Person giving such Notice may proceed to build or rebuild such House according to such Plans; provided such building or rebuilding be otherwise in accordance with this Act.

Penalty for Default.

103. If any Person shall make default in sending such Notice or Plans, or if such building or rebuilding be begun or made or afterwards altered contrary to the Provisions of this Act, the Person by or for whom such Work is done, or his Contractor or Architect for such Work, shall forfeit not exceeding Five Pounds, and Two Pounds additional for every Day during which Default is made in

giving

giving such Notice and Plans, or in altering or reinstating the Building, in accordance with this Act, after the same is required by the Commissioners: Provided always, that if the Contractor or Architect be not solely guilty of such Offence, the Person by or for whom such Work is done shall alone be subject to such Penalties, but the Burden of Proof in that Behalf shall rest on the Person sued for the Penalties.

Houses taken down or destroyed to be subject to Provisions of this Act as new Houses.

104. When any House or other Building within the Town is taken down, or destroyed by Fire or otherwise, to within Ten Feet of the Level of the Ground immediately adjoining thereto, such House or Building shall thenceforth be subject to all the Provisions of this Act with respect to new Houses or Buildings.

Privies of existing Houses.

105. The Owner of every House within the Town to which a Privy or Watercloset or Ashpit respectively, to the Satisfaction of the Commissioners, is not attached, shall provide such Privy or Watercloset or Ashpit to the same, in such Situation, and with such Door and Covering, as the Commissioners think proper and sufficient for the Use of the Inmates or Occupiers thereof; and if any Person make any Default in that Behalf after a sufficient Notice, not being less than Twenty-one Days, shall have been served upon him, the Commissioners may, if they think fit, construct or provide such Privy, Watercloset, or Ashpit, and may recover the Expenses thereof from such Owner as Damages.

Sleeping Rooms not to be over Cesspools.

106. Any Room built before or after the Commencement of this Act which extends wholly or partially over any Privy, Cesspool, or Midden shall not hereafter be let or occupied as a Dwelling or Sleeping Room; and if any Person shall hereafter let, occupy, or knowingly suffer to be occupied as a Dwelling or Sleeping Room any such Room, every Person so offending shall for every such Offence forfeit not exceeding One Pound for every Day during which the Room continues to be so let or occupied after Notice in Writing from the Commissioners in this Behalf: Provided always, that this Enactment shall not come into operation until Six Months after the Commencement of this Act.

Privies and Cesspools under Houses to be removed.

107. The Owner of any Privy, Cesspool, or Midden which extends wholly or partially under any Room built before or after the Commencement of this Act shall, within One Month after such Notice to that Effect from the Commissioners, remove such Privy, Cesspool, and Midden, and the Contents thereof, and in default thereof the Commissioners may do the Work, and recover the Expenses thereof from the Owner as Damages.

108. Whenever

Commissioners may alter Work improperly done.

108. Whenever under this Act any Work of any Kind is required to be done by any Owner or Occupier or other Person, and Default is made in the Execution of such Work, or if such Work when so done appear to the Commissioners to be improperly or insufficiently done, or defective, the Commissioners may order the Owner, Occupier, or Person liable to do the same to alter and complete the same in such Manner as shall be proper, and in default thereof the Commissioners may, if they think fit, alter and complete the same, and the Expenses thereby incurred by them shall be recoverable as Damages from the Person required by this Act to do the Work.

Drainage not to flow into Ashpits or Privies.

109. If any Person shall allow the Drainage of any Land or Building to flow or be turned into any Ashpit or Privy, he shall be liable to a Penalty not exceeding Five Pounds, and the Commissioners may require him within Seven Days after Notice to execute Works necessary to prevent the same, and on his failing so to do the Commissioners may, if they think fit, do the Works, and the Expenses thereof shall be recoverable from such Person as Damages.

To prevent covering Houses with Thatch.

110. If at any Time after the Commencement of this Act any Person shall cover any Building within the Town, either wholly or partially, with Straw Thatch or other combustible Material, he shall for every such Offence forfeit not exceeding Ten Pounds, and the Commissioners may require the Owner of the Building to remove the Straw Thatch or other combustible Material, and on his failing so to do the Commissioners may, if they think fit, do the Work, and the Expenses thereof shall be recoverable from such Owner as Damages.

For preventing the throwing of Rubbish, &c. on Seashore, &c., and taking away Sand, &c. from Seashore.

111. After the Commencement of this Act it shall not be lawful for any Person to throw, cast, or deposit any Animal or Fish, or the Carcase of any Animal or Fish, or any Filth, Ashes, Rubbish, or Materials, into or upon any Part of the Seashore for the Time being covered or uncovered with Water within the Town, or to remove or take away, without the previous Consent in Writing of the Commissioners, any Sand, Sludge, or Materials from any Part of the Seashore for the Time being within the Town; and every Person offending against this Enactment shall for every such Offence forfeit not exceeding Five Pounds, and One Pound additional for every Day during which the Offence continues.

10 & 11 Vict. c. 89. incorporated.

112. "The Town Police Clauses Act, 1847," is incorporated with this Act; and for the Purposes of "The Town Police Clauses Act, 1847," as incorporated with this Act, and also for the Purposes of Sections 116 and 117 of this Act, the Word "Street" includes the Seashore for the Time being covered or uncovered with Water within

within the Town, and any Park, Pleasure Ground, or Place of public Resort or Recreation for the Time being vested in the Commissioners.

County Police may exercise Powers of Constables under Act.

113. All Police Constables in the County of *Lancaster* appointed under the Provisions of an Act passed in the Third Year of the Reign of Her Majesty, Chapter Ninety-three, and of any other Act passed relating to the Establishment of County and District Constables, and, by the Authority of the Justices of the Peace, acting as Constables within the Town, may within the Town exercise all the Powers and Authorities given to Constables by "The Town Police Clauses Act, 1847," and this Act, in the same Manner as if they had been appointed by the Commissioners, and sworn as Constables for the Town, under "The Town Police Clauses Act, 1847," and this Act.

Dogs suspected to be mad may be destroyed.

114. Any Constable may destroy any Dog or other Animal within the District reasonably suspected to be in a rabid State, or to have been bitten by any Dog or other Animal reasonably suspected to be in a rabid State.

Power to license Hackney Carriages, Pleasure Boats, &c.

115. The Commissioners from Time to Time may license to stand or ply for Hire within the Town such Hackney Coaches or Carriages, Pleasure Boats, Bath Chairs, Horses, Mules, and Asses, as they think fit; and the several Provisions of "The Town Police Clauses Act, 1847," with respect to Hackney Carriages, shall apply, so far as the same are applicable, to all Pleasure Boats, Bath Chairs, Saddle Horses, Mules, and Asses, standing or plying for Hire within the Town; and for the Purposes of this Act the Words "Hackney Carriage" in those Provisions shall include Pleasure Boats, Bath Chairs, Saddle Horses, Mules, and Asses; and the Word "Driver" shall include the Person attending or having Charge of a Pleasure Boat, Bath Chair, Saddle Horse, Mule, or Ass; and for the Purposes of this Act the standing or plying or being let out for Hire at any Railway Station, Stable, Stable-yard, or Coach-house, or Pier, or on the Sea or Seashore within the Town, shall be deemed to be a standing or plying for Hire within the Provisions of "The Town Police Clauses Act, 1847," and of this Act.

Byelaws for Hackney Carriages, &c.

116. In addition to the Byelaws authorized to be made under Section Sixty-eight of "The Town Police Clauses Act, 1847," the Commissioners from Time to Time may make Byelaws for fixing the Distance, not exceeding Eight Miles from the Town Hall, to which Drivers or Persons licensed by them attending or having the Charge of Hackney Carriages, Pleasure Boats, Bath Chairs, Saddle Horses, Mules, and Asses, shall be obliged to drive or go, and for fixing the Rates or Fares, as well for Time as Distance, to be paid within such Eight Miles.

Street Musicians.

117. Any Householder, personally or by his Servant, or by any Constable, may require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder within the Town; and every Person who shall sound or play upon any Musical Instrument, or sing, in any Street within the Town, near or within hearing of such House, after being so required to depart, shall for every such Offence forfeit not exceeding Forty Shillings.

Penalty for certain Offences in Streets.

118. Every Person who, in any Street within the Town, commits any of the following Offences, shall for every such Offence forfeit not exceeding Forty Shillings; (that is to say,)

Drawing Timber, &c., without a Carriage.

Every Person who shall draw any Timber, Stone, or other weighty Article without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose;

Drawing Timber without a competent Attendant.

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage without having to guide and direct the hind Wheels of the Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof;

Carrying Carcases uncovered.

Every Person who shall carry or convey, or cause to be carried or conveyed, the Carcase of any newly slaughtered Cattle without a sufficient Cloth Covering to the same;

Blowing Horns.

Every Person who shall blow any Horn, or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms;

Sticking Bills or injuring Fences.

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden;

Loitering.

And every Person who, by standing, loitering, or remaining in a Group (without some reasonable or good or sufficient Cause), or in any other Manner, shall obstruct, incommode, hinder, or prevent the free Passage along the same Street.

Penalty on drunken Persons, &c.

119. Every Person drunk in any Street, and guilty of any riotous or indecent Behaviour therein, and also every Person guilty of any violent or indecent Behaviour in any Police Office or Police Station, shall be liable to a Penalty not exceeding Forty Shillings for every such

such Offence, or, in the Discretion of the Justice before whom he is convicted, to Imprisonment for a Period not exceeding Seven Days; and any Constable shall take into Custody without Warrant, and forthwith convey before a Justice, any Person who within his View commits any Offence within this Section.

Commissioners to be Burial Board.

120. On and after the Commencement of this Act, the Commissioners shall be the Burial Board for the Execution of this Act within the Limits thereof for the Purposes of the Cemetery, and shall within those Limits have, exercise, and be subject to all the Powers, Duties, Rights, and Obligations for the Time being of a Burial Board under the Burial Acts; and the several Provisions of the Burial Acts (except the Provisions thereof relating to the Constitution, Meetings, Entries of Proceedings, and Accounts of Burial Boards,) shall, subject to the Provisions of this Act, extend and be applicable to the District within the Limits of this Act, for the Purposes of the Cemetery, and to the Commissioners, and to any Burial Ground, and any Places for the Reception of the Bodies of the Dead previously to Interment, provided by the existing Commissioners, or to be provided by the Commissioners, in like Manner as to any Parish or Parishes, and the Burial Board thereof, and to any Burial Ground, and any such Places as aforesaid provided by such last-mentioned Burial Board, save that no Approval, Sanction, or Authorization of any Vestry shall be requisite.

Cemetery Rate.

121. In lieu of Burial Rates under the Burial Acts, the Commissioners may, once in every Year, or oftener if they think fit, make One or more equal Rate or Rates under the Name of "the Cemetery Rate" upon the Occupiers of all such Kinds of Property within the Town as by the Laws in force for the Time being are assessable to any Rate for the Relief of the Poor, except as herein-after mentioned, according to the yearly Value thereof, but such Rates shall not exceed in any One Year, computed from the Thirty-first Day of *March*, Fourpence in the Pound on such yearly Value; and all Expenses of carrying this Act into execution, with respect to the Cemetery or otherwise incurred by the Commissioners as such Burial Board, shall be chargeable upon and paid out of the Cemetery Rate: Provided always, that the Owner of any Tithes or any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, shall be assessed in respect of the same to the Cemetery Rate in the Proportion of One Fourth Part only of such yearly Value.

Power to borrow for Cemetery and

122. The Commissioners from Time to Time may borrow at Interest on the Credit of the Cemetery Rate, and the Lands, Rents,

Purposes, and Rights and Priority of existing Mortgagees.

and other Property vested in them for the Purposes of the Cemetery, or any Part thereof respectively, any Sums not exceeding in the whole Eight thousand Pounds, including therein the Sums already owing by the existing Commissioners as such Burial Board, and after having paid off otherwise than by the Sinking Fund required by the Burial Acts any Monies so borrowed, they may re-borrow the Amount so paid off, and so *toties quoties*: Provided always, that after the Commencement of this Act the Commissioners shall not borrow any Monies under the Burial Acts; provided also, that such of the Creditors of the existing Commissioners as immediately before the Commencement of this Act are Mortgagees under the Burial Acts shall after the Commencement of this Act be entitled, by virtue of their respective Mortgages and this Act, to the like Securities, Rights, and Remedies, with respect to the Cemetery Rate, and the Lands, Rents, and other Property vested in the Commissioners for Cemetery Purposes, as if their respective Mortgages had been granted under this Act; and their respective Mortgages shall have Priority over all Mortgages granted under this Act with respect to the Cemetery.

Cemetery Account, and Application thereof.

123. The Commissioners shall keep a distinct and separate Account, to be called "the Cemetery Account;" and all Monies borrowed by the Commissioners, or raised by the Cemetery Rate, or otherwise received by the Commissioners with respect to the Cemetery or as such Burial Board, shall be carried to the Credit of the Cemetery Account; and all Monies from Time to Time carried to the Credit of that Account shall be applied as follows:

1. In Payment of the Interest on such of the Mortgages granted by the existing Commissioners under the Burial Acts as from Time to Time are in force;
2. In Payment of the Interest on the Monies borrowed under this Act for the Purposes of the Cemetery;
3. In providing, but not out of Money so borrowed, in proportion to the Amount so borrowed, the Sinking Fund required by the Burial Acts;
4. And in carrying the several Purposes of this Act with respect to the Cemetery into execution.

Paving and Highway Rate.

124. The Commissioners, once in every Year, or oftener if they think fit, may make One or more equal Rate or Rates under the Name of "the Paving and Highway Rate" upon the Occupiers of all such Kinds of Property within the Town as by the Laws in force for the Time being are assessable to any Rate for the Relief of the Poor, according to the yearly Value thereof; but such Rates shall not exceed in any One Year, computed from the Thirty-first Day of *March*, Two Shillings and Sixpence in the Pound on such yearly Value.

125. On

Town not to be Part of Highway District.

125. On and after the Commencement of this Act, no Part of the Town shall form Part of the Highway District called "The *Southport* District."

Improvement Rate.

126. The Commissioners once in every Year, or oftener if they think fit, may make One or more equal Rate or Rates, under the Name of "the Improvement Rate," upon the Occupiers of all such Kinds of Property within the Town as by the Laws in force for the Time being are assessable to any Rate for the Relief of the Poor, except as herein-after mentioned, according to the yearly Value thereof; but such Rates (except as is by this Act otherwise provided) shall not exceed in any One Year, computed from the Thirty-first Day of *March*, One Shilling and Sixpence in the Pound on such yearly Value.

Increase of Improvement Rate with Consent of Two Thirds of Ratepayers.

127. If and whenever it appears that the Sum of One Shilling and Sixpence in the Pound is not sufficient for the Purposes to which under this Act the Monies raised by the Improvement Rate are applicable, the Commissioners, with the Consent of not less than Two Thirds of the Ratepayers assembled at a public Meeting convened by the Commissioners for that Purpose, may increase the Improvement Rate for the current Year, but so as in any One Year the Improvement Rate do not exceed Two Shillings and Sixpence in the Pound: Provided always, that One Month's public Notice of the Intention of the Commissioners to make any such Increase, and of the Time and Place for holding the Meeting, shall be given by them by Placards posted in some public Places, and circulated within the Town.

Certain Property to be exempted.

128. Provided always, notwithstanding anything in this Act or any Act incorporated herewith contained, That no Person shall be rated to the Improvement Rate in respect of any Land used at the Time of making the Rate as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and no Person shall be rated under this Act to the Improvement Rate in respect of any Houses or Buildings which or any Part whereof at the Time of the Rate being made shall not be situate within One hundred Yards of any public Lamp lighted with Gas supplied by the Commissioners, and of any Sewer or Drain vested in the Commissioners by or under this Act; and provided always, that the Occupier of any Land used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance shall be assessed in respect of the same to any Rate made in pursuance of this Act in the Proportion of One Fourth Part only of the net annual Value thereof.

Owners of Property not exceeding 6*l.* a Year to be rated.

129. The Owners of all Property rateable under this Act the rateable Value whereof respectively does not exceed Six Pounds shall be rated to and pay the Rates under this Act, instead of the Occupiers thereof; but the Commissioners, if they think fit, may make an Abatement from the Amount of such Rate to any Extent not exceeding Fifteen *per Cent.*, provided that such Abatement shall be made equally to all Owners so liable to be rated.

Power to borrow on Mortgage, but existing Mortgages to have Priority.

130. The Commissioners from Time to Time may borrow at Interest on Mortgage of the Lands from Time to Time vested in them under this Act, and the Tolls and Rates granted by this Act, and their Gas Rents, Market Tolls and Rates, and other Property, (except the Cemetery Rate, and Lands, Rents, and Property vested in the Commissioners for Cemetery Purposes,) or any Part thereof respectively, any Sums not exceeding in the whole Sixty thousand Pounds (including therein the Sums on the Commencement of this Act owing under the recited Act), and after having paid off (otherwise than by the Sinking Fund) any Monies so borrowed they may re-borrow the Amount so paid off, and so *toties quoties:* Provided always, that such of the Creditors of the existing Commissioners as immediately before the Commencement of this Act are Mortgagees under the recited Act shall, after the Commencement of this Act, be entitled by virtue of their respective Mortgages and this Act to the like Security, Rights, and Remedies as if their respective Mortgages had been granted under this Act, and their respective Mortgages shall have Priority over all Mortgages granted under this Act.

Arrears may be enforced by Appointment of a Receiver.

131. Any Mortgagees under the recited Act or this Act may enforce the Payment of the Arrears of Interest or of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize a Requisition for a Receiver shall be Five thousand Pounds.

Amount to be set apart for Sinking Fund.

132. The Amount which shall be set apart yearly by the Commissioners out of the Paving and Highway Rates and Improvement Rates from Time to Time levied under this Act as a Sinking Fund, to be applied in manner directed by Section 84 of "The Commissioners Clauses Act, 1847," shall be a Sum equal to One Fortieth Part of the Monies on the Commencement of this Act owing under the recited Act, and of the Monies which shall be borrowed by the Commissioners under this Act.

Separate Accounts, to be called Paving and Highway

133. The Commissioners shall keep distinct and separate Accounts, to be called respectively "the Paving and Highway Account" and "the Improvement Account," of all their Receipts, Credits, Payments, and Liabilities under this Act with respect to the Execution thereof, for

for the several Purposes of the Streets, and of the Gasworks, Markets, Lighting and Sewering, and the other Purposes of this Act respectively, and may from Time to Time apportion between those Accounts as they think fit any Items relating to both.

Account and Improvement Account.

134. All Monies from Time to Time borrowed by the Commissioners or otherwise received by them for the Purposes of paving, flagging, maintaining, and repairing the Streets within the Town, or raised by the Paving and Highway Rate, shall be carried to the Credit of "the Paving and Highway Account;" and all Monies from Time to Time carried to the Credit of that Account shall be applied as follows:

Application of Paving and Highway Account.

1. In Payment of Part of the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act and preparatory thereto:
2. In Payment, but not out of Money so borrowed, of the Interest of such of the Mortgages granted under the recited Act on the Credit of the Rate for Paving and Highway Purposes as from Time to Time are in force:
3. In Payment, but not out of Money so borrowed, of the Interest on the Monies borrowed under this Act for the Purposes of the Paving and Highway Account:
4. In providing, but not out of Money so borrowed, in proportion to the Amount so borrowed, the Sinking Fund by this Act required:
5. In carrying into execution the Purposes of this Act with respect to the paving, flagging, maintaining, and repairing the Streets within the Town.

135. All Monies from Time to Time raised by the Improvement Rate, and borrowed, raised, or received by the Commissioners with respect to the Gasworks and Markets respectively, and all other Monies from Time to Time borrowed, raised, or received by the Commissioners under this Act, and not required by this Act to be carried to the Credit of the Cemetery Account or the Paving and Highway Account, shall be carried to the Credit of "the Improvement Account;" and all Monies from Time to Time carried to the Credit of that Account shall be applied as follows:

Application of Improvement Account.

1. In Payment of Part of the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act and preparatory thereto:
2. In Payment, but not out of Money so borrowed, of the Interest on such of the Mortgages granted under the recited Act on the Credit of the Rate for sewering, lighting, and general Purposes as from Time to Time are in force:

3. In

3. In Payment, but not out of Money so borrowed, of such of the Interest on Monies borrowed under this Act as are not provided for out of the Paving and Highway Account:

4. In providing, but not out of Money so borrowed, the Sinking Fund by this Act required, so far as the same is not provided for out of the Paving and Highway Account:

5. In carrying this Act into execution with respect to the Gas-works and Markets, and with respect to the several other Purposes of this Act not provided for out of the Paving and Highway Account.

Owner to repay Occupier; but Occupier not liable beyond the Amount of his Rent.

136. If any Rate or Sum which ought under this Act to be paid by the Owner in respect of any rateable Property shall be paid by the Occupier thereof, or be levied on his Goods and Chattels, the Owner shall reimburse the Occupier, and the Occupier may deduct the Sums paid or levied, with the Costs (if any) of the Distress, from the Rent due or to become due from him to the Owner; provided that the Occupier shall not be liable to the Payment of any Rate or Sum to an Amount exceeding the Amount of the Rent from Time to Time actually due and payable in respect of such rateable Property by such Occupier to such Owner.

Period for Appeal by Railway Company against Rates.

137. The Period within which any Railway Company may appeal against any Rate made under the Authority and for the Purposes of this Act shall be One Month after the Amount of such Rate shall be demanded from the Secretary or any Director of such Company, and such Demand shall be sufficient if made by Letter addressed to the Secretary of such Company, and sent by Post, but no such Company shall be called upon to enter into a Recognizance to try such Appeal unless required so to do in Writing under the Hand of the Clerk to the Commissioners.

Recovery of Sums not not exceeding 50*l.*

138. Whenever any Person fails to pay any Rate or Sum due and payable to the Commissioners, and the Rate or Sum so due and payable does not exceed Fifty Pounds, the Commissioners may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction; and the Remedies of the Commissioners under this Enactment shall be in addition to their other Remedies for the Recovery of the Rate or Sum.

Recovery of Money by Distress.

139. All Rates and Sums of Money due and payable under this Act to the Commissioners on any Account whatever, and all Penalties, Costs, Damages, and Expenses by this Act directed to be paid, may be levied by Distress, and any Justice, on Application by the Commissioners, shall issue his Warrant accordingly.

140. Any

Costs of Distress.

140. Any Justice who issues any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Rate or Sum shall be paid by the Person liable to pay the Rate or Sum, and the Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of the Rate or Sum.

Several Names in One Warrant.

141. Any Number of Names and Sums may be included in any Warrant or Notice obtained or given by the Commissioners for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice or in a Schedule thereto.

Application of Penalties.

142. The Justice or Justices by whom any Penalty is imposed under this Act shall award the same, either wholly to the Commissioners or wholly to the Complainant, or to the Commissioners and the Complainant, in such respective Proportions as the Justice or Justices may think fit.

Saving Rights of Local Board of Birkdale.

143. Except only as is by this Act expressly provided, nothing in this Act shall take away, lessen, prejudice, or affect any of the Estates, Rights, Jurisdictions, Powers, or Privileges of the Local Board for the Township of *Birkdale*.

Saving Rights of Lords of Manor of North Meols.

144. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Authorities of the Lords of the Manor of *North Meols*, or either of them.

Saving Rights of Lancashire and Yorkshire Railway Company.

145. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Authorities of the *Lancashire and Yorkshire* Railway Company.

Saving Rights of the Duchy of Lancaster.

146. Nothing contained in this Act or any of the Acts herein referred to shall authorize the Commissioners to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Duchy of *Lancaster*, without the previous Consent in Writing of the Chancellor for the Time being of Her Majesty's said Duchy, on behalf of Her Majesty, first had and obtained for that Purpose, and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors, in right of Her Duchy of *Lancaster*.

Expenses of Act.

147. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act and preparatory thereto shall be paid by the Commissioners out of the First Monies in their Hands applicable for any of the Purposes of this Act, but shall be debited to the Paving and Highway Account and the Improvement Account in the following Proportions; that is to say, One equal Fourth Part thereof to the Paving and Highway Account, and the remaining Three equal Fourth Parts thereof to the Improvement Account.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

A Piece of Land bounded on the North-east by Tulketh Street, on the South-west by Eastbank Street, on the South-east in part by Slaughter-houses, and in other Parts by the Gasworks, and on the North-west by Property belonging to Oliver Holden, Peter Woods, and Margaret Taylor, with the several Houses thereon, and which Piece of Land is situate in the Township and Parish of North Meols.

SCHEDULE (B.)

A Piece of Land bounded on the South-west by Eastbank Street, on the North-east by Tulketh Street, on the North-west by Property belonging to Ann Bradley, the Trustees of Henry Mawdsley, and Robert Blundell, and on the South-east by Property belonging to Joseph Latten and Fanny Todhunter, with the several Houses thereon, and also a Piece of Land bounded on the North-east by Eastbank Street, on the North-west by Upper King Street, on the South-west by a House and Premises occupied by Hugh Southworth, and on the South-east by a House and Premises occupied by Peter Rimmer and others, and which Two Pieces of Land are situate in the Township and Parish of North Meols.

SCHEDULE (C.)

A Piece of Land bounded on the South-west by London Street, on the North-east by Mornington Road, on the North-west by an Occupation Road, and on the South-east by Hawes Side Lane, with the several Cottages thereon, and also a Piece of Land bounded on the North by Ashley Road, on the North-west by Church Street, Hawes Side Lane, and Land in the Occupation of Mr. Baker, and on the South and East by the Site of an intended Continuation of Derby Road, with the several Cottages thereon, and which Two Pieces of Land are situate in the Township and Parish of North Meols.

SCHEDULE (D.)

A Piece of Land bounded on the North-west by Lord Street, on the South-east by Sharrock Street, on the North-east by the present Town Hall, and on the South-west by Houses, Gardens, and Premises occupied by William Coultas and others, with the several Houses thereon; and also a Piece of Land bounded on the South-east by Chapel Street, on the North-west by Sharrock

Sharrock Street, on the North-east by the Market Hall and Toy Market, and on the South-west by the Independent Schools and Sharrock Street, with the several Houses thereon, and which Two Pieces of Land are situate in the Township and Parish of North Meols.

SCHEDULE (E.)

TOLLS, STALLAGES, AND RENTS TO BE TAKEN AT THE MARKETS.

	s.	*d.*
For every Horse, Mare, or Gelding	0	6
For every Ass or Mule	0	3
For every Bull, Ox, or Steer	0	6
For every Cow, Heifer, or Stirk	0	4
For every Calf	0	2
For every Score of Sheep and Lambs	1	3
For every Pig	0	1
For every Skip or Crate of sucking Pigs, containing not exceeding Six	0	6
For every Ditto exceeding Six	1	0

FOR PENS AND LAIRS.

Open Pens for Calves, Sheep, or Pigs, &c. each	0	6
Covered Pens for Calves, Sheep, or Pigs, &c. each	1	0

LAIRS.

For every Horse, Mare, or Gelding	0	6
For every Colt, Filly, or Foal	0	3
For every Calf, Sheep, Lamb, Pig, or Goat	0	0½
For every Bull, Steer, or Heifer	0	3

In a covered MARKET.

For every Waggon Load of Hay, Straw, or Fodder	1	0
For every Cart Load of Hay, Straw, or Fodder	0	6

SHOPS.

From the Occupier of every enclosed Shop or Stall, whether for Sale of Butchers Meat, Game, Poultry, Fish, Vegetables, Fruit, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of such Shop, namely, for each Superficial Foot or fractional Part thereof, if let by the Week, any Sum not exceeding	0	1½

BUTCHERS STALLS.

From every Person occupying or using any Butchers Stall or Standing, or any Ground Space for the Sale of Meat, according to the Size and Dimensions of the same, namely, for each Superficial Foot or fractional Part thereof of every such Stall, Standing, or Ground Space occupied or used by him, if let by the Week, any weekly Sum not exceeding	0	1½

And if let by the Day, a proportionate Part of such weekly Charge.

CARCASE

CARCASE AND SKIN TOLLS.

	s.	*d.*
For every Carcase or Part of a Carcase of a Bull, Bullock, Cow, Steer, Heifer, Calf, Sheep, or Pig, brought into the Market to be disposed of otherwise than by Sale by Retail, and whether sold or not, any Sum not exceeding - - - - -	0	6
For every Hide or Skin, raw, undressed, or dressed, brought into the Market for Sale, and whether sold or not, any Sum not exceeding	0	2

PROVISION, VEGETABLE, AND OTHER STALLS, STANDS, AND GROUND SPACE.

From every Person occupying or using any Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel, for the Sale of Vegetables, Provisions, Fruit, Fish, Game, Butter, Poultry, Eggs, China, Glass, Earthenware, Baskets, Hardware, or other Commodities, Articles, or Things, according to the Size and Dimensions of the same, viz., for each Superficial Square Foot and fractional Part of a Superficial Square Foot of the Ground Space covered or occupied by any such Stall, Standing, Cart, Barrow, Basket, Box, Bench, or Barrel, any Sum not exceeding for every Day - - -	0	1

GROUND SPACE.

From every Person occupying or using any Space on the Surface of the Ground, according to the Size and Dimensions of the same, viz., for each Superficial Square Foot and the fractional Part of a Superficial Square Foot of the Ground Space occupied or used by him, any daily Sum not exceeding - - - -	0	1

TOLLS AT FAIRS.

For every Stall, Basket, Cart, Barrow, Standing-box, Bench, Barrel, or Ground Space occupied or used by any Person exposing to Sale any Goods, Articles, Commodities, or Things whatsoever, and for every Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, according to the Size and Dimensions thereof, viz., for every Superficial Square Foot or fractional Part of a Superficial Square Foot of the Ground Space covered by such Stall, Basket, Cart, Barrow, Standing-box, Bench, Barrel, Show, Caravan, Exhibition, Booth, Tent, Theatre, or Place of Amusement, and of any Ground Space occupied or used by him, any Sum not exceeding for each Day - - - - - - - -	0	1½
From any Person carrying or exposing for Sale any Provisions, Vegetables, Goods, Articles, Commodities, or Things whatsoever, in any Market or Market Place or Places for Fairs in the Borough, or in any Lands connected therewith, and who shall not be otherwise chargeable under this Schedule as occupying any Stall, Standing or Ground Space, any Sum not exceeding for each Day -	0	6

TOLLS FOR USE OF SLAUGHTER-HOUSES.

	s.	d.
For every Ox, Cow, Bullock, Steer, or Heifer - - -	1	0
For every Calf - - - - - - -	0	6
For every Sheep or Lamb - - - - - -	0	3
For every Hog or Pig - - - - - - -	0	6
For every other Beast - - - - - -	1	0

WEIGHING AND MEASURING TOLLS TO BE TAKEN IN THE SEVERAL MARKETS AND FAIRS.

For every Article, Matter, or Thing, of whatever Description, weighing not more than 20 lbs. Avoirdupois - - -	0	0½
For every Article, Matter, or Thing, of whatever Description, weighing more than 20 lbs. Avoirdupois, not exceeding 240 lbs. -	0	1
For every Article, Matter, or Thing, of whatever Description, weighing more than 240 lbs. - - - - -	0	2
For measuring any Quantity of Goods, Article, Matter, or Thing sold by Measure, not exceeding One Bushel - - -	0	0½
For measuring every Quantity more than One Bushel and not exceeding Two Bushels - - - - - -	0	1
And for every Bushel beyond Two Bushels - - -	0	0½

TOLLS TO BE TAKEN FOR WEIGHING CARTS AND THEIR LOADINGS.

For a Cart containing any Quantity not exceeding Three Tons of Coal or Manure - - - - - - -	0	2
For a Cart containing any Quantity not exceeding Three Tons of Hay, Straw, Grass, Clover, or other Goods - - -	0	3
For a Cart, Waggon, or Lurry containing exceeding Five Tons -	0	4
For a Cart, Waggon, or Lurry containing above Five Tons and not exceeding Ten Tons - - - - - -	1	0
For empty Carts, Waggons, or Lurries reweighed for Tare - -	0	1

SCHEDULE (F.)

HEADS OF ARRANGEMENT between the Southport Improvement Commissioners and the Local Board for the Township of Birkdale for Supply of Gas in Birkdale :

1. The Arrangement to be in force for Three Years from the 30th Day of September 1864.

2. The Commissioners to supply Gas for lighting so many public Lamps in Birkdale as the Local Board from Time to Time require, and to light, extinguish, and cleanse the Lamps.

3. The Number of the Lamps to be not less than 30.

4. The Lamps to be kept alight during the same Hours as those during which the public Lamps in Southport are kept alight.

5. The

5. The Local Board to pay to the Commissioners at the Rate of 2*l.* 5*s.* a Year for every Lamp if and when not exceeding 50, and at the Rate of 2*l.* 2*s.* a Year for every Lamp if and when exceeding 50.

6. The Payments by the Local Board to the Commissioners to be made quarterly in respect of every Lamp lighted during all or any Part of the respective Quarter.

7. The Commissioners to supply Gas for private Consumers in Birkdale, the Supply being by Meter.

8. The Charge to private Consumers to be at the Rate of 5*s.* for every 1,000 Cubic Feet of Gas supplied.

9. But if and when the Commissioners reduce any of their present Charges for Gas supplied to private Consumers in Southport a similar Reduction to be made in favour of like private Consumers in Birkdale.

10. The Payments by the private Consumers to the Commissioners to fall due quarterly, and the Commissioners to allow a Discount of 10 per Cent. from every quarterly Payment made within Twenty-eight Days after the End of the respective Quarter.

11. In every case of Failure, whether by the Local Board or by any private Consumer in Birkdale, to make to the Commissioners any quarterly Payment for Gas within Forty-two Days after the respective quarterly Day, the Commissioners to have full Power to cut off or stop the Supply of Gas in respect of which the Failure happens till full Payment of the Arrears with Interest then be made.

12. All Payments in arrear more than Forty-two Days to bear Interest at the Rate of 10 per Cent. per Annum from the respective quarterly Day till paid.

13. For the Purposes of the Supply of Gas to Birkdale, the Commissioners to have the exclusive Management and User of the Gas Mains in Birkdale, and the Apparatus connected therewith, from Time to Time provided by the Local Board.

14. The Local Board to keep their Gas Mains, and the Apparatus connected therewith, and the public Lamps, in good and substantial Repair and good working Order and Condition.

15. The Commissioners, in respect of their Management and User of the Gas Mains and Apparatus, to pay quarterly to the Local Board at the Rate of Sixpence for every One thousand Cubic Feet of Gas supplied to and paid for by private Consumers in Birkdale.

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