CHAP. cxl.

An Act to amend the Southport Improvement Act, 1865, and to provide for the better government of the Borough of Southport; to authorise the Corporation of Southport to erect Sewerage Works, to make new Streets, and extend the Promenade at Southport; to extend their Gas Limits and improve and enlarge their Gasworks, Cemetery, Town Hall, and Markets; to extend the Boundary of the Borough; and for other purposes. [13th July 1871.]

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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 pala-"tine 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: 9 & 10 Vict. c. xxx.

And whereas the Commissioners appointed under that Act proceeded to put the Act into execution, and established under that Act in Southport gasworks, markets, a town hall, and slaughter-houses:

And whereas by the Southport Improvement Act, 1865, (herein-after called the Act of 1865,) the last-mentioned Act was repealed, and the Commissioners thereunder were incorporated by the name of the Southport Improvement Commissioners, and were continued, seised, possessed of, or entitled to all property of or to which they were seised, possessed, or entitled at the time of such repeal, and further powers were conferred on the Southport Improvement Commissioners (therein and herein-after called the Commissioners) within the town of Southport as thereby defined, and the limits within which the Commissioners were authorised to supply gas: 28 & 29 Vict. c. cxcv.

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And whereas by section 23 of the Act of 1865 it was provided that in the event of a charter of incorporation being granted under the Acts relating to municipal corporations, for the erection of the town of Southport (therein and herein-after called the town) or any part thereof into a municipal borough, the Commissioners should, 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 should be made by deed under the common seal of the Commissioners, and upon any such transfer being so made such body corporate should be the Commissioners for executing by the council of the borough the several powers and provisions of that Act, and all the rights, powers, estates, and property vested in the Commissioners at the time of such transfer should vest in such body corporate, and all the liabilities and obligations of the Commissioners should stand transferred to and be borne by such body corporate, and the Commissioners should be freed and discharged from all such liabilities and obligations:

And whereas by letters patent dated the twenty-eighth day of February in the thirtieth year of the reign of Her present Majesty, the inhabitants of the district consisting of the town of Southport, embracing the whole of the town within the boundary of the Act of 1865 were incorporated by the name or title of the Mayor, Aldermen, and Burgesses of the Borough of Southport, and the powers and provisions of the Municipal Corporations Acts were extended to the inhabitants of the thereby constituted borough of Southport (herein-after called the borough):

And whereas under the authority of the 23rd section of the Act of 1865 the Commissioners did on the twenty-seventh day of August one thousand eight hundred and sixty-seven transfer to the said mayor, aldermen, and burgesses (herein-after called the Corporation), all their the said Commissioners rights, powers, estates, property, and liabilities:

And whereas the Corporation have adopted the 77th and 78th sections of the Local Government Act, 1858, and the 19th section of the Local Government Act, 1858, Amendment Act, 1861, and the provisions of such Acts and the Acts incorporated therewith relating to the borrowing of money; and by a provisional order under such Acts dated the twenty-third day of June one thousand eight hundred and sixty-nine, and confirmed by an Act (Local) of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter 150, intituled The Local Government Supplemental Act, 1869 (No. 2), the borrowing powers of the Corporation were extended as therein provided:

And whereas it is expedient that the Corporation be authorised to take land for the purposes of constructing sewerage works, and for the utilisation of sewage, and for extending and improving certain existing streets, forming new streets, and of extending the present promenade at Southport, and to reclaim part of the foreshore adjacent to the borough for the extension of such promenade:

And whereas plans showing such lands, and plans and sections of such new works, and a book of reference to the said new works containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, houses, and property required for the purposes thereof, have been deposited with the clerk of the peace for the county palatine of Lancaster:

And whereas the supply of gas is at present insufficient for the inhabitants of the borough and the district which the Corporation are authorised to supply therewith, and it is expedient that the Corporation be authorised to make the new gasworks by this Act authorised on the land described in the schedule A. hereto annexed, to extend their gas limits, and to use the gas mains, pipes, and other apparatus of the Birkdale local board within the township of Birkdale, on making to such local board the payments therefor in this Act mentioned, and to supply gas in Birkdale, subject to the provisions in this Act contained:

And whereas it is expedient that the boundary of the borough should be extended as herein-after provided:

And whereas it is expedient that the Corporation be authorised to extend their cemetery, and for that purpose to purchase the lands described in the schedule B. hereto annexed:

And whereas it is expedient that the Corporation be authorised to remove the existing market, and to erect a new market, and for that purpose to purchase the lands mentioned in the schedule C. hereto annexed:

And whereas it is expedient that the Corporation be authorised to enlarge the present town hall buildings, or to provide some other suitable town hall, and to establish and maintain the parks and pleasure grounds and other works now existing or by this Act authorised, and that the powers of the Corporation for the better ordering, improving, and governing of the borough should be amended and extended in various respects:

And whereas under the provisions and for the purposes of the aforesaid Acts of Parliament for the improvement of the town of Southport and for the regulating of the borough, various sums of money have been borrowed by the Commissioners and by the Corporation, and the total amount owing by the Corporation upon their own and the Commissioners securities was on the thirty-first day

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of March one thousand eight hundred and seventy the sum of sixty-seven thousand one hundred and seventy-five pounds:

And whereas it is expedient that the Corporation should be authorised to borrow money, as well to provide for the payment of the sums so owing by them as for the various purposes of this Act:

And whereas it is expedient to repeal, amend, and enlarge the powers and provisions of the Act of 1865 for the purposes above mentioned:

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

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

TITLE OF ACT AND INTERPRETATION OF WORDS.

Short title.

1. This Act may be cited for all purposes as The Southport Improvement Act, 1871.

Commencement of Act.

2. This Act shall commence and have effect on the first day of August one thousand eight hundred and seventy-one.

Provisions of Acts herein named incorporated.

3. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869; the Gasworks Clauses Act, 1847; the Cemeteries Clauses Act, 1847; the Markets and Fairs Clauses Act, 1847; the Towns Improvement Clauses Act, 1847 (except clauses 6 to 12 inclusive, and 19 to 21 inclusive, 23, 27, 28, 29, 38 to 43 inclusive, 57 to 60 inclusive, 84, 85, 86, 119, 120, 132, 133, 135 to 142, 156 to 209 inclusive, 210, 211, 214, 215, 216); the Town Police Clauses Act, 1847; sections 11, 12, and 13 of the Harbours, Docks, and Piers Clauses Act, 1847; sections 140 to 158 of the Railways Clauses Consolidation Act, 1845; and sections 13, 18, and 19 of the Railways Clauses Act, 1863, so far as the provisions of those Acts respectively are applicable for the purposes, and not inconsistent with the provisions of this Act, are hereby incorporated with this Act: Provided always, that clauses 6 to 12 inclusive of the Gasworks Clauses Act, 1847, shall be put in force within the township of Birkdale by the Birkdale local board only, and not by the Corporation; and the word "undertakers" in clauses 6 to 12 and 19 to 29 inclusive of the same Act shall, so far as such clauses affect the township of Birkdale, apply to and mean the Birkdale local board, and not the Corporation. And in construing the sections of the Harbours, Docks, and Piers Clauses Act, 1847, and the Railways Clauses Act,

1863, hereby incorporated, the words "work" and "railway" shall respectively be taken to signify the works by this Act authorised.

As to vesting of certain sewers.

4. Nothing in this Act or in any Act incorporated herewith contained shall vest in the Corporation the sewer made by the Birkdale local board through private lands in the borough from the Boundary Brook between the borough and township to Fine Janes Brook within the borough.

Same meanings as in incorporated Acts.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, or rendered applicable hereto, shall have the same respective meanings unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction.

Interpretation of terms.

6. In this Act and for the purposes of this Act in any Act incorporated herewith or rendered applicable hereto:

"Person:"

(1.) The word "person" shall include company, and the heirs, executors, administrators, and assigns of any person, and also a corporation, whether aggregate or sole:

"The promoters," "the undertakers," "the company:"

(2.) The expressions "the promoters," "the undertakers," and "the company" shall respectively mean the Corporation:

"The borough:"

(3.) The expression "the borough" shall mean the municipal borough of Southport:

"The Corporation:"

(4.) The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Southport:

"The mayor," "the council," "the watch committee," "the town clerk," "the treasurer," "the surveyor:"

(5.) The expressions "the mayor," "the council," "the watch committee," "the town clerk," "the treasurer," and "the surveyor" shall mean respectively the mayor, the council, the watch committee, the town clerk, the treasurer, and the surveyor for the time being of the borough:

"The collector:"

(6.) The expression "the collector" shall mean the person appointed by the Corporation for the collecting rates, rents, and tolls leviable by or payable to the Corporation:

"The township:"

(7.) The expression "the township" shall mean the township of Birkdale:

"The local board:"

(8.) The expression "the local board" shall mean the local board for the district of Birkdale:

"The Municipal Corporation Acts:"

(9.) The term "the Municipal Corporation Acts" shall mean the Act of the session of the fifth and sixth years of King William the Fourth (chapter seventy-six), "to provide "for the regulation of Municipal Corporations in England "and Wales," and all Acts for the time being in force amending the same or otherwise relating to municipal corporations in England:

"Month:" (10.) The word "month" shall mean a calendar month:

"Oath:" (11.) The word "oath" shall include affirmations or other declarations or solemnity lawfully substituted for an oath:

"Justice:" (12.) The word "justice" shall mean a justice of the peace for the borough, and also a justice of the peace for the county of Lancaster:

"Two justices:" (13.) The expression "two justices" shall mean two or more justices assembled and acting together in petty sessions for the borough, or, except when herein-after otherwise provided, any stipendiary magistrate acting for the borough:

"The deposited plans and sections and book of reference:" (14.) The expressions "the deposited plans," the "deposited sections," "the book of reference" shall respectively mean the plans, sections, and book of reference deposited for the purposes of the application for this Act with the clerk of the peace for the county of Lancaster:

"Court of quarter sessions:" (15.) The expressions "court of quarter sessions" and "quarter sessions" shall mean the general or quarter sessions for the county of Lancaster holden for the hundred of West Derby:

"Court of competent jurisdiction," "the superior courts:" (16.) The expressions "the superior courts" and "court of competent jurisdiction" shall have effect as if the debt or demand, with respect to which the expression is used, were a common simple contract debt or demand, and not a debt or demand created by statute:

"Land," "Lands:" (17.) The words "land" or "lands" shall respectively include messuages, lands, buildings, tenements, and corporeal hereditaments of any tenure:

"Owner:" (18.) The word "owner" shall mean the person for the time being receiving the rackrent of the land in connexion with which the said word is used, whether on his own account, or under or by virtue of any mortgage or charge, or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent, and shall include every successive owner from time to time of such land for any part of the time during which the enactment wherein that term is used operates in relation to such land:

"Occupier:" (19.) The word "occupier" shall mean the person for the time being in the actual occupation or possession of the land with reference to which that expression is used:

"Street:" (20.) The word "street" shall mean the whole or any part of any existing or future highway, road, lane, street, square, footway, pathway, thoroughfare, or bridge, not being a

railway, canal, or navigation, or within the limits of any railway station, or, except as regards the police provisions of this Act, the space between the line of any street and such station.

And for the purposes of "The Towns Police Clauses Act, 1847," as incorporated with this Act, the word "street" includes the seashore for the time being covered or uncovered with water within the borough, and any park, pleasure ground, or place of public resort or recreation for the time being vested in the Corporation:

(21.) The word "court" shall mean the whole or any part of any present or future court, alley, entry, passage, yard, way, or place used with or appurtenant to two or more dwelling-houses: "Court:"

(22.) The word "building" shall include all dwelling-houses, houses, messuages, warehouses, mills, manufactories, and erections with roofs: "Building:"

(23.) The word "drain" shall mean any drain, pipe, channel, or gutter made or used for the drainage of any court, or of any building only, or of any hereditaments within the same curtilage of such court or building: "Drain:"

(24.) The word "sewer" shall mean any under-ground culvert or channel for the passage of water, sewage, or refuse, not being a drain as herein-before defined: "Sewer:"

(25.) The word "slaughter-house" shall mean and include the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle or animals of any description for sale: "Slaughter-house:"

(26.) The word "cart" shall include any vehicle made or used for the conveyance of goods or chattels in any street: "Cart:"

(27.) The word "carriage" shall include any vehicle of what nature soever made or used for the conveyance of persons in any street, not being a cart: "Carriage:"

(28.) The word "cattle" shall include horses, asses, mules, sheep, goats, and swine: "Cattle:"

(29.) The expression "hackney carriage" shall mean every carriage used for the purpose of conveying passengers, and kept or plying for hire: "Hackney carriage:"

(30.) The expression "porter's cart" shall mean every cart used for the conveyance of goods or chattels, and kept or plying for hire: "Porter's cart:"

(31.) The word "driver" shall mean the driver, conductor, or carter of any cart or carriage: "Driver:"

(32.) The word "drover" shall mean any person who shall offer "Drover:"

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himself to lead or drive, or shall lead or drive for hire, any cattle:

"Porter:" (33.) The word "porter" shall mean any person who shall ply for hire to carry or convey any errand, message, parcel, or luggage:

"Pleasure boat:" (34.) The expression "pleasure-boat" shall mean any boat made or used for the conveyance of persons, and kept or plying for hire in connexion with any place of public resort:

"Gas undertaking:" (35.) The expression "the gas undertaking" shall mean the gas-works, land, buildings, pipes, retorts, gasometers, engines, apparatus, property, effects, and rights of the Corporation:

When buildings and lands shall be deemed to be within a street. (36.) Buildings or lands parallel to, or lying alongside of, any street or court, shall be deemed to abut upon or adjoin such street or court, notwithstanding any portion of ground open to the passage of the public may intervene between such buildings and lands and such street or court.

AS TO REPEAL OF ACT, &c.

This Act and the Act of 1865 to be read as one Act. **7.** This Act and the Act of 1865 shall be construed together as one Act, but this Act shall supersede the Act of 1865 in all case where the provisions of the Act of 1865 and of this Act conflict where the powers of the Act of 1865 are amended or enlarged this Act, and the Act of 1865 shall be read throughout as if words "the Corporation" were substituted for "the Commi sioners:" Provided always, that from and after the commencemen of this Act the 21st section of the Act of 1865 which incorporate "The Commissioners Clauses Act, 1847," shall be and the same is hereby repealed.

Limits of Act. **8.** This Act and the Act of 1865 shall (except where it is expressly provided otherwise) apply exclusively to and within the borough as herein-after extended.

Extension of boundary of borough. **9.** From and after the commencement of this Act the boundary of the borough shall be extended in an easterly direction from a point in Foul Lane one hundred and forty-four yards south of Threefall House, along and bounded by the watercourse dividing Laverside Meadow from Long Meadow in an easterly direction to Fine Janes Brook, thence along and bounded by Fine Janes Brook in a northerly and easterly direction to the culvert under the occupation road one hundred and eight yards south of the Pool Farm-house, thence in a northerly direction along and bounded by the pool to Crowland Cover, thence in a westerly direction along and bounded by the cop on the south side of Crowland Cover to the Crowland watercourse, thence along and bounded by the centre of

the Crowland watercourse in a southerly and westerly direction to its junction with the existing boundary at Long Lane, Lower Blowick.

Limits of Act for gas.

10. 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, but with respect to the said township subject to the special provisions herein contained.

Execution of Act.

11. This Act shall (subject to the provisions herein contained) be carried into execution by the Corporation acting by the council, and according to the Municipal Corporation Acts and other laws for the time being affecting the Corporation, and with all the authorities conferred by those Acts and laws on the Corporation and on the council and committees of the council, and the officers, agents, and servants of the Corporation with respect to matters provided for by or comprised in the Municipal Corporation Acts, and as nearly as may be in all respects as if the powers and duties and property vested in, imposed on, or enjoyed by the Corporation by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts.

Regulations as to committees of council.

12. Where under the authority of the Municipal Corporation Acts the council appoint out of their own body any committee for the execution of any of the purposes of this Act, they may delegate to each such committee such of the powers and duties of the Corporation under this Act as the council think fit for the purpose of carrying into effect any specific orders of the council, and the acts and proceedings of every such committee within the limits of such delegation shall be deemed the acts and proceedings of the council, and the quorum of each such committee shall be such as the council direct, and the council may from time to time make such regulations as they think fit for the guidance of any such committee, and the council may from time to time remove any members of any such committee and appoint in the stead of them or any of them other members of the council.

Validity of meetings of council, committee, &c.

13. Until the contrary be proved every meeting of a committee and of the council shall be deemed to have been duly convened and held, and all members attending such meeting shall be deemed to have been duly qualified.

Power to contract for works.

14. The Corporation from time to time may contract with any person for performing or doing any of the works or things by this Act authorised, and all such contracts shall be in writing sealed with the common seal of the Corporation and signed by the person contracting, and shall specify the works and things so to be done and the prices at and the times within which they are to be done,

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and the Corporation may take such bond or other security from every contractor for the due performance of his contract as they think sufficient.

Power to compound with contractors.

15. The Corporation may from time to time compound with any person having entered into any contract with the Corporation under this Act for any penalty contained in such contract or in any bond or other security for the performance thereof, or on account of any breach or non-performance of such contract, bond, or security, for such sum of money or other recompense as the Corporation think proper.

Member of council to cease to be one after six months absence from meetings.

16. Every member of the council who during six successive months is absent from all meetings and committees of the council (except in case of illness) shall be deemed to have refused to act and shall cease to be a member of such council, and his office as such shall thereupon become vacant.

Entries of proceedings of the council and committee of the council.

17. Any minute made of proceedings at meetings of the council or of committees of the council, if signed by any person purporting to be the chairman of the council or committee of the council, either at the meeting of the council or committee at which such proceedings took place, or at the next ensuing meeting of the council or committee of the council, shall be receivable in evidence in all legal proceedings without further proofs.

Accounts to be balanced half-yearly.

18. From and after the first day of August one thousand eight hundred and seventy-one, all the accounts of the borough shall be balanced half-yearly on the thirty-first day of March and the thirtieth day of September in each and every subsequent year.

AS TO SEWERAGE WORKS, WIDENING STREETS, NEW STREETS, AND PROMENADE.

Power to make new works.

19. Subject to the provisions in this Act contained, and to the powers of deviation hereby given, the Corporation may make and maintain in the line and situations and upon the lands delineated in the deposited plans and described in the book of reference, and according to the levels shown in the deposited sections, the works following; that is to say,

As to Sewerage Works.

1stly. A subsidence tank or subsidence tanks, to be situate on the piece of land shown in the deposited plans, with all such wharves, approaches, outlets, sluices, conduits, and other works and conveniences as may be required for purifying the sewage matter received into such tank or tanks, together with a sewer or drain commencing in such tank or tanks, and ending at the termination of the existing sewer in Duke Street:

2ndly. A subsidence tank or subsidence tanks, to be situate in the piece of land shown in the deposited plans, with all such wharves, approaches, outlets, sluices, conduits, and other works and conveniences as may be required for purifying the sewage matter received into such tank or tanks, together with a sewer or drain commencing at such tank or tanks, and ending at the termination of the existing sewer in Blowick Road:

3rdly. A main sewer, commencing at the junction of Park Road with Albert Road within the borough, and proceeding along Park Road in a north-westerly direction to the shore, so as to join the existing main sewers from Neville Street and Leicester Street at their termination on the foreshore, and thence in a westerly direction for a distance of eight hundred and seventy yards under the foreshore of the sea into the south channel at or near low-water mark, at a point eight hundred yards north of the head of the existing pier at Southport:

And such sewer shall be so constructed as to be below the level of the foreshore for its whole length beyond the proposed embankment, and that its extremity, where raised above that level for the discharge of the sewerage, shall be marked by a beacon or other mark sufficient to warn passing boats and vessels.

And the Corporation may enter upon, hold, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes respectively.

But before proceeding to exercise any of the powers conferred by this section (other than extending the existing sewer on the foreshore into the south channel at or near low-water mark, at a point eight hundred yards north of the existing pier at Southport, for which excepted works any moneys not exceeding three thousand pounds may be expended), the Corporation shall obtain the advice and assistance of a competent engineer connected with sewerage and drainage works, as to the proper mode of sewering and draining the borough; and if such engineer shall not approve of the scheme of sewerage provided for by this section, the Corporation shall apply to Her Majesty's Secretary of State for the Home Department to approve any proper scheme recommended by such engineer in lieu of this scheme, and shall adopt the same if it be sanctioned.

As to widening Streets, and new Streets.

Power to make new streets, widening of

20. Subject to the provisions of this Act, the Corporation from time to time may make the intended new streets, widenings of streets, and works not being bridges, respectively shown by the plans

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streets, and works.

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; that is to say,

They may continue Part Street from its junction with Portland Street to Eastbank Street, and may extend the south-westerly extremity of Part Street from the point where it touches the boundary of the borough to Aughton Road in the township of Birkdale;

They may continue Belmont Street in a north-westerly direction to Lord Street West, commencing at the present termination of Belmont Street, and terminating in Lord Street West aforesaid;

They may make and maintain a footpath from Lord Street to West Street, commencing at the west end of the Scarisbrick Hotel in Lord Street, and crossing West Street, so as to pass along the south-west side of Brunswick Terrace and the north-east side of Osborne House, and terminating in the existing promenade at Southport:

And the Corporation may widen and improve the following streets, all which are situate within the borough and in the township, parish, and county aforesaid; viz.,

And to widen and improve streets.

1. Coronation Walk on the west side thereof, commencing at its junction with Lord Street, crossing King Street, and terminating at the boundary wall of Lower Seabank Cottage, and on the east side commencing at the junction with Lord Street, crossing West Street, and terminating at the entrance gates of the Royal Hotel in Coronation Walk:
2. Chapel Street, commencing at its junction with Eastbank Street, and crossing Tulketh Street, and terminating at its junction with London Street:
3. Peter Street, commencing at its junction with Leicester Street and terminating at its junction with Saunders Street:
4. Albert Road, widening the footpath for forty-one yards, commencing and terminating where it adjoins the premises belonging or reputed to belong to William Roberts, Esquire:
5. Seabank Road, commencing at its junction with Lord Street and terminating at its junction with Stanley Street:
6. Lord Street, on the north-west side, commencing at the Mansion House and terminating at its junction with Bold Street, on the south-east side commencing at its junction with Duke Street and terminating at its junction with Union Street:
7. The north side of Nevill Street, commencing at its junction with Lord Street and terminating at its junction with Bath Street:

8. The north-east end of Zetland Street, commencing at a point forty-two yards south of Manchester Road and terminating in Manchester Road.

Provided that the Corporation shall not purchase, enter upon, or in any manner interfere with any portion of the church or grave-yard attached to Christchurch other than a strip of such yard six feet in width, parallel to and abutting on Lord Street, and shall not expend a greater sum than five thousand pounds in carrying into effect the provisions of this section with respect to Lord Street: Provided always, that nothing in this Act contained shall authorise the Corporation to appropriate the vacant space of ground or any part thereof belonging to the Lancashire and Yorkshire Railway Company in front of their station and premises in Chapel Street aforesaid.

As to Promenade.

Power to extend promenade.

21. The Corporation may extend the existing promenade at Southport, and for that purpose may purchase by compulsion or agreement and enter upon and take the lands and foreshores described in the deposited plans and sections, and if the Corporation do so purchase and enter upon and take the lands and foreshores they shall erect thereon the works following, with all walls, bridges, groynes, jetties, piers, buttresses, approaches, and other works and conveniences required for such extension of the promenade.

The works above referred to are the following; viz.

1. A new promenade and drive fifty feet in width (being the south promenade), commencing at Coronation Walk at its junction with the existing promenade, and extending thence in a south-westerly direction, and terminating on the seashore at the north-west end of Duke Street:
2. A similar new promenade and drive sixty feet in width (being the north promenade), commencing at the end of the existing promenade in Seabank Road, and extending in a north-easterly direction for a distance of six hundred and eighty yards, and thence in a curve to the east and south, and terminating in Park Road:

But subject to the provisions herein-after contained; namely,

(a.) The Corporation shall not expend a greater sum than three thousand five hundred pounds in carrying into effect the provisions of this section with respect to the south promenade;

(b.) The powers of this Act with reference to widening Lord Street and making the proposed promenade shall not be exercised until a scheme of sewerage approved of

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in the mode provided for by section 19 has been received by the Corporation;

(c.) The powers of this Act with respect to the north promenade shall not be exercised until the Corporation shall have entered into a contract or contracts for the sale of the lands to be reclaimed thereby with a responsible person to an amount which shall repay to them all costs, charges, and expenses incurred by reason of the exercise of such powers; such contracts to include all or any part of the land acquired in the exercise of such powers other than the site of the works, walls, bridges, groynes, jetties, piers, buttresses, approaches, and other works and conveniences to be erected thereunder, and no person or persons shall be disqualified from entering into such contract by reason of his being a member of the council.

For protection of the Convalescent Hospital.

22. The new promenade in front of the Convalescent Hospital, herein called the Hospital, and the connexion with Sea Bank Road, shall be made within the limits of deviation in the position and manner shown in a plan, duplicates of which have been signed by the respective surveyors of the Corporation and the hospital (hereinafter referred to as "the plan"), and without any power of deviation, and on the making of such promenade the small strip of land forming the north-westerly corner of the present grounds of the hospital, and coloured green on the plan, shall be conveyed by the trustees to the Corporation at the cost of the Corporation, and be by them laid to Sea Bank Road, and the land coloured yellow on the plan, being the whole (except five yards wide next to the promenade coloured blue on the said plan) of the land which will be reclaimed from the foreshore and lie between the new promenade and the present sea boundary wall of the hospital) shall become the property of and be conveyed by deed under the corporate seal to the trustees, their heirs and assigns, free from all other estates, rights, titles, and claims whatsoever (upon the same trusts as are contained in the trust deed of the hospital), but so that by mutual covenants of the Corporation and the trustees it shall be provided or secured in the said conveyance to the trustees that no building of any kind shall ever be erected either on the said land coloured yellow, except such fence wall as is herein-after mentioned, or the said five yards strip coloured blue, and the said piece of land coloured yellow, shall by and at the cost of the Corporation, and contemporaneously with the construction of the promenade in front of the same plot, be raised and filled up to the present level of the sea front ground of the hospital, and grassed over in conformity therewith, and a neat and substantial fence of brick with stone coping and iron palisades,

and a proper gateway and gate (the whole of a design and character to be approved of by the trustees) shall at the like cost be put up along the line between the said strip coloured blue and the said land coloured yellow, but on the last-mentioned strip, and also a brick wall with stone coping to be approved of by the trustees shall at the like cost be put up along the northerly end of the said land coloured yellow, in such manner and of such height as shall effectually prevent persons from getting over the said fence from either side thereof. And the trustees shall have the right of laying, maintaining, examining, removing, and replacing such and so many pipes through the continuation of Sea Bank Road under the bridge to be constructed for continuing the promenade across the sea end of Sea Bank Road as shall from time to time be necessary for all drainage purposes, and also for getting a supply of sea water for the hospital, subject to the approval of the surveyor of the Corporation for the time being; and the Corporation shall in the aforesaid conveyance to be made under their corporate seal effectually secure to the trustees the perpetual enjoyment of such rights, and of full access for the exercise of such rights from any part of the hospital to and along Adelaide Street and Sea Bank Road respectively as may be required by the trustees for the convenience of the hospital, and the sea wall now in front of the hospital shall, except so far as may be otherwise rendered necessary for constructing the levels of the new promenade, remain intact for the protection of the hospital against the action of the tides in addition to what the Corporation may require for the protection of the new promenade.

Power to deviate.

23. In constructing the said works, or any of them, the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans, and where on any road no such limits are shown, the boundaries of such road shall be deemed to be such limits, and may also deviate from the levels shown in the deposited sections to any extent not exceeding four feet.

Period for completion of works.

24. The works hereby authorised shall be completed within ten years from the commencement of this Act, and on the expiration of such period the powers by this Act granted to the Corporation for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall be then completed.

Authorising sale of lands belonging to the Duchy of Lancaster, and providing for application

25. It shall be lawful for the Chancellor and Council of Her Majesty's Duchy of Lancaster for the time being, to agree with the Corporation for the absolute sale in fee simple of any lands of, or belonging or reputed to belong to, the Queen's most Excellent Majesty in right of her said Duchy, which shall be required for the purposes of this Act, at or for such price or compensation in money,

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of purchase money.

and upon such terms and conditions as shall be settled and agreed upon between the said Chancellor and Council and the Corporation, and upon payment of such price or compensation by any deed or writing under the seal of the Duchy in the name of Her said Majesty, her heirs and successors, to convey the same lands and the fee simple and inheritance thereof to the Corporation, their successors and assigns, for the purposes of this Act, and the purchase money or consideration for the same lands shall be paid into the hands of the Receiver General of the Revenues of the said Duchy, and receipts and acquittances shall be given by him for the same, and the same either shall and may be invested in the purchase of bank annuities according to the powers and provisions contained or referred to in an Act passed in the forty-eighth year of the reign of His late Majesty King George the Third, intituled "An Act to improve the "Land Revenue of the Crown in England, and also of His Majesty's "Duchy of Lancaster," with respect to the purchase money to be paid for property belonging to the Crown, within the survey and receipt of the said Duchy, under the therein recited Acts, or the same or any part thereof may, either without any previous investment or after such, and either alone or together with any other moneys which shall for the time being have arisen or shall hereafter arise from the sale of lands and hereditaments, part of the possessions of the said Duchy, be laid out according to the provisions of an Act passed in the fifty-seventh year of His said Majesty King George the Third, intituled "An Act for ratifying Articles of "Agreement entered into by the Right Honourable Henry Hale "Viscount Gage and the Commissioners of His Majesty's Woods "and Forests and Land Revenues, and for the better Management "and Improvement of the Land Revenues of the Crown," or the said moneys and also any such other moneys whether previously invested or not, or any part thereof respectively, may be laid out in the purchase of lands which, in the judgment of the said Chancellor and Council, shall be deemed convenient to be held with any possession of the said Duchy, as the Chancellor and Council for the time being of the said Duchy shall direct by any order or orders in that behalf; and the said Chancellor and Council shall, for the purposes of this Act, have and be entitled to all such powers and provisions in reference to the moneys (if any) so invested in bank annuities, and so to be laid out and invested as aforesaid, as under or by virtue of the said recited Act of the fifty-seventh year of King George the Third they are entitled to concerning any sums or funds of or belonging to the Duchy of Lancaster, in the same Act particularly mentioned or referred to, and the lands and hereditaments (if any) so purchased on behalf of the said Duchy as aforesaid shall

be conveyed and assured to the use of Her Majesty, her heirs and successors, in right of her said Duchy of Lancaster, and shall vest in Her said Majesty, her heirs and successors, in the same right and as fully and effectually as the lands to be conveyed to the Corporation were vested in her immediately before such conveyance, and be held with the like incidents and be subject to the same application to all intents and purposes as the said lands so to be conveyed to the Corporation were held by her immediately before such conveyance, and every such conveyance to the use of Her Majesty, her heirs and successors, may be in the form marked (G.) in the schedule to this Act annexed, or as near thereto as may be; and every deed or writing whereby any lands, hereditaments, estate, right, or interest shall be conveyed or assured by the said Chancellor and Council of Her said Majesty's Duchy of Lancaster by virtue of the powers of this Act, shall be enrolled in the Court of the Duchy Chamber of Lancaster within six calendar months from the date thereof.

For enrolment of all deeds of conveyance of land belonging to the Duchy of Lancaster.

AS TO LANDS FOR GASWORKS, CEMETERY, GENERAL IMPROVEMENT, TOWN HALL, MARKETS, &c.

26. The Corporation from time to time may purchase and take all or such parts as they think fit of the following lands for the following purposes; (that is to say,)

Power to take lands described in schedules (A.), (B.), and (C.) for specified purposes.

For the purposes of the gasworks the lands described in schedule (A.) to this Act annexed:

For the purposes of the cemetery the lands described in schedule (B.) to this Act annexed: Provided always, that the Corporation shall not erect or make such cemetery, or any part thereof, within three hundred yards of any house of the annual value of fifty pounds, or having a plantation or ornamental garden or pleasure ground occupied therewith, except with the consent of the owner, lessee, and occupier thereof in writing:

And for the purposes of the town hall and markets the lands described in schedule (C.) to this Act annexed.

27. 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 the deposited plans or in the deposited book of reference or in the schedules (A.), (B.), and (C.) to this Act, the Corporation, 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,

Errors in plans, &c. may be corrected by justices, who shall certify the same.

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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.

AS TO GASWORKS AND GAS.

Power to make and supply gas.

28. Subject to the provisions of this Act, the Corporation 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 erect, maintain, alter, enlarge, and discontinue such gasworks, retorts, gasometers, gas meters, 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, coal tar, and ammoniacal liquor, coke, and other products of the manufacture of gas as they from time to time think fit: Provided always, that the Corporation shall not manufacture gas, or the products arising therefrom, or store gas on any land other than the lands vested in them by the Act of 1865, for the purposes of the gasworks and the lands described in schedule (A.) to this Act annexed.

Corporation to supply gas in township of Birkdale.

29. The Corporation shall, upon the request in writing of any occupier of property in any street where the mains of the local board shall be laid, willing to pay for the same, supply such occupier with gas, and shall also supply to the local board gas for lighting the public lamps within the township upon the terms and subject to the provisions of this Act.

Limiting price of gas.

30. The Corporation shall not demand or receive for the supply of gas by meter any sum exceeding four shillings per one thousand cubic feet of such gas, and all payments for gas by private consumers shall be payable quarterly, and the Corporation shall allow a discount of five per centum for every quarterly payment made within one month after the end of the respective quarter.

Security for payment of gas rent or rate.

31. Any person having or requesting to have a supply of gas from the Corporation, shall, if and when so required in writing by them, and before he is entitled to have a supply of gas, give to them

such security for the payment of the estimated rent or rate for the gas to be supplied to him during the next ensuing three months as he and the Corporation may agree, or, as in default of agreement, shall be determined as by this Act provided, and the Corporation shall be liable to a penalty not exceeding five pounds if they shall discontinue the supply of gas to any person then having a supply, unless such person shall have failed to give to them such security for seven days after the same shall have been demanded by the Corporation: Provided always, that no security shall be required from the local board in respect of the supply of gas for lighting the public lamps in the township.

Justices may determine nature of security.

32. Where any such person and the Corporation do not agree on the security to be given, the same shall be determined by any two justices, who shall, on the application of the person and the Corporation, or either of them, determine the nature and amount of the security to be given, and the security may, as the justices think fit, be the deposit with the Corporation or with any person approved by the justices, or the prepayment to the Corporation of a sum of money, or any other security which the justices think sufficient and reasonable, and the determination of the justices, who shall have power to award costs to be paid by or to such person or the Corporation, shall be binding on all parties.

Consumers of gas may be required to consume gas by meter.

33. Every consumer of gas supplied by the Corporation shall on the request of the Corporation consume the gas supplied to him by meter to be provided by the Corporation at the expense of the consumer, or at the option of the consumer, to be provided by the consumer and approved by the Corporation before it is used or set up.

Meter to be evidence of quantity consumed.

34. The register of the index of the consumer's meter shall be primâ facie evidence of the quantity of gas consumed by any consumer and in respect of which any rent is charged and sought to be recovered by the Corporation.

As to quality of gas of Corporation.

35. All the gas supplied by the Corporation shall be of such illuminating power as to produce from an argand burner having fifteen holes and a seven-inch chimney, or other approved burner and chimney or burners consuming five cubic feet of gas per hour, a light equal in intensity to the light produced by twenty sperm candles of six in the pound, burning one hundred and twenty grains per hour.

To prevent fraudulent consumption of gas.

36. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any gas meter, lamp, pipe, burner, or fitting belonging to the Corporation, or fraudulently alters the index to any meter, or who knowingly or wilfully prevents

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any meter from duly registering the quantity of gas supplied by the Corporation, or fraudulently connects with a meter any gas burner of a number or size greater than the number or size proportioned to the size and capacity of the meter, or who knowingly or wilfully destroys or effaces any stamp 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 Corporation shall, for every such offence forfeit and pay to the Corporation 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.

Power to use patented inventions, &c.

37. The Corporation may take and hold any license or authority under any letters patent to use any invention relative to the manufacture or distribution of gas, or the utilisation of the residual products arising in the manufacture of gas, but they shall not acquire by any such license or authority any right or privilege in any respect of an exclusive character.

Corporation to provide testing meter for testing illuminating power of gas at their works; and local board may provide a like meter in the township of Birkdale.

38. Within six months after the passing of this Act the Corporation shall provide in some part of their works a proper and sufficient testing meter, furnished with an argand fifteen-hole burner and a seven-inch chimney, or other approved burner and chimney capable of consuming five cubic feet of gas an hour, with other apparatus proper and sufficient for testing the illuminating power of the gas, and so placed as to test all the gas made by the Corporation. And the local board may, if they think fit, provide within the township a like testing meter, with other apparatus for testing the illuminating power of the gas within the township.

Local board to have power to test illuminating power of gas supplied.

39. Any justice on receiving a requisition signed by not less than five consumers of gas of the Corporation may, by order in writing, appoint some competent person to proceed to the works of the Corporation for the purpose of testing the illuminating power of the gas supplied by the Corporation, and it shall be lawful for the local board to appoint some competent person, not being an officer or servant of the local board, to test the illuminating power of the gas, and the person in either case so appointed, with such assistance as he may require, may, at any reasonable hour in the daytime on producing such order or appointment, enter upon the premises of the Corporation and make experiment of the illuminating power of the gas by means of such testing meter and other apparatus, and the Corporation and their officers shall afford all reasonable facilities and assistance to the making of such experiment, but no experiment shall be made in the absence of the

manager of the works of the Corporation until after the expiration of six hours from the time when the person so appointed shall have entered on the premises of the Corporation, and if it shall be proved to the satisfaction of any two justices after hearing the parties that the illuminating power of the gas did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, or that the Corporation 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 Corporation shall forfeit such sum not exceeding twenty pounds as the justices shall determine, to be paid to the consumer making the requisition, or to the local board so applying as aforesaid.

Provision for testing quality of gas in the township of Birkdale.

40. If the local board shall provide within the township a testing meter or meters and other apparatus for testing the illuminating power of the gas within the township, they may, by an order or orders in writing, from time to time appoint some competent person, not being one of themselves nor one of their officers or servants, to make experiment of the illuminating power of the gas by means of such testing meter and other apparatus, but three hours previous notice in writing shall be given to the Corporation of such intended experiment, and the manager of the gasworks or some other duly authorised officer of the Corporation shall have access to the place of testing; and if it shall at any time be proved to the satisfaction of any two justices after hearing the parties that the illuminating power of the gas supplied by the Corporation in the said township did not, when so tested as aforesaid, equal the illuminating power by this Act prescribed, the Corporation shall forfeit such sum not exceeding twenty pounds as such justices shall determine, to be paid to the local board.

Costs of experiment to be paid according to the event.

41. The costs in either of the cases aforesaid of and attending such experiment, including the remuneration to be paid to the person making the same and the costs of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the Corporation shall be paid, together with such penalty, by the Corporation, but in the event of no penalty being imposed the costs shall be in the discretion of the justices.

As to the supply of gas to public lamps in the township of Birkdale.

42. The Corporation shall supply gas for lighting as many public lamps in the township as the local board shall from time to time require, and each light shall burn not less than two thousand five hundred hours, or consume eight thousand cubic feet of gas per annum, and the local board shall pay to the Corporation for every public lamp so supplied and lighted with gas as aforesaid the sum of two pounds two shillings per annum, the Corporation lighting,

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extinguishing, and cleaning such lamps, or, at the option of the local board, the sum of three shillings and sixpence per thousand cubic feet of gas consumed by such public lamps, the local board lighting, extinguishing, and cleaning the same. And it shall be lawful for the local board at the end of any year to elect for the then ensuing year whether the supply of gas for lighting the said lamps shall be paid for at the said annual sum per lamp or at the said price per one thousand cubic feet; provided always, that notice in writing of such election shall be given to the said Corporation by the said local board one month previous to the end of any year.

Birkdale local board to lay mains, &c., and to keep public lamps in repair in the township of Birkdale, and the Corporation to have the use thereof, and to make certain quarterly payments to the local board.

43. The local board shall have the exclusive right, except as herein-after provided, of laying gas mains and pipes within the township, and shall for ever hereafter keep their present and future gas mains and the public lamps in the township in good repair and condition, and shall afford the Corporation the use of the same for the supply of gas for public and private purposes within the township, and in consideration thereof the Corporation shall pay to the local board fourpence halfpenny for every thousand cubic feet of gas supplied by the Corporation to private consumers within the township; and in consideration of the power conferred by this Act upon the Corporation to supply gas within the township the Corporation shall also pay to the local board threepence halfpenny for every thousand cubic feet of gas supplied by the Corporation within the township to private consumers, such respective payments to be made quarterly.

Corporation to furnish the Birkdale local board with quarterly accounts of gas supplied in the township of Birkdale.

44. The Corporation shall render to the local board every quarter full and true accounts of the quantity of gas supplied by the Corporation to the township, distinguishing the gas supplied to private consumers from the gas supplied to the public lamps, and the Corporation shall permit the local board, or any officer, servant, or person in their employ, at all reasonable times, to inspect the books and other papers of the Corporation relating to such supply. And if the Corporation shall wilfully neglect or refuse for the space of thirty days after any such quarter day to render a full and true account of the quantity of gas supplied by the Corporation to the township in the distinguishing manner aforesaid, or shall refuse the local board, or any officer, servant, or person in their employ, such inspection of the books and other papers of the Corporation relating to such supply, the Corporation shall, upon conviction before any two justices, forfeit such sum not exceeding ten pounds as such justices shall determine, to be recovered with all costs, as herein-after provided.

Birkdale local board may exercise certain borrowing powers to defray costs of providing gas pipes, &c. in the township of Birkdale.

45. The local board, for the purpose of defraying the costs, charges, and expenses incurred or to be incurred by them in purchasing, laying down, taking up, repairing, and providing gas mains, pipes, pillars, and lamp-posts within the township, shall have and may, subject to the conditions and provisions therein contained, exercise the borrowing powers of the Public Health Act, 1848, and may, with the consent of and subject to such conditions as may be prescribed by one of Her Majesty's Principal Secretaries of State, borrow and take up at interest, on the credit of the charges and rates authorised to be made or collected by the local board within the township, any sums of money necessary for defraying any such costs, charges, and expenses. And for the purposes of securing the repayment of any sums so borrowed, together with such interest thereon as aforesaid, the said local board may mortgage to the persons by or on behalf of whom such sums are advanced the said charges and rates, or any of them.

As to enlarging certain main pipes in the township of Birkdale.

46. If, in the judgment of the Corporation, the main pipe commencing at the boundary of the borough and township, and crossing Aughton Road, and continued under York and other roads in the township in the direction of Ainsdale, shall at any future time be insufficient for the proper supply of gas in any district beyond the township, then the Corporation shall, at their own expense, under the inspection of the local board, and after giving one month's notice in writing to the local board of their intention so to do, and doing as little damage as may be, replace the said main pipe by a larger and sufficient main pipe, and shall connect all branch mains and pipes with the said main pipe, and make good all connections therewith, and make good and repair all sewers, roads, and streets to the satisfaction of the local board, and the said new main pipe shall thereupon become and be the absolute property of and be repaired by the local board. And the Corporation shall at all times, whilst any road or street in the township shall be opened or broken up in consequence of replacing the said main pipe, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or street where the same shall be open or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or street which has been so broken up in good repair for three months after replacing and making good the same, and for such further time if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside. And if the Corporation shall make any delay in filling in the ground, or reinstating and making good the road or street, or any sewer thereunder, or in carrying

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away the rubbish occasioned thereby, or if they neglect to cause the place where such road or street has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or street in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the local board a sum not exceeding five pounds for every such offence, and they shall forfeit an additional sum of five pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof, such sum or sums to be recovered with all costs before two justices. And it shall be lawful for the local board to execute the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to the local board by the Corporation, and such expenses may be recovered in the same manner as penalties or damages are recoverable under this Act.

Incoming tenant not liable for arrears of gas or meter rent.

47. The Corporation shall not be entitled to require from the incoming tenant of any property the payment of arrears of gas rent or rate or meter rent left unpaid by any former tenant, unless the incoming tenant has undertaken with such former tenant to pay or exonerate him from the payment of such arrears.

Corporation may make rules for preventing waste and misuse of gas.

48. For preventing waste, misuse, or undue consumption of the gas of the Corporation, the Corporation may from time to time make such reasonable rules and regulations as they think necessary to be observed by the persons supplied with gas, and may thereby direct the use and prescribe the size, nature, make, strength, and materials, and the mode of arrangement, alteration, and repair of the meters, pipes, valves, cocks, jets, and burners, and other apparatus to be used by them respectively for receiving and using the gas, and may thereby interdict any arrangement and the use of any such apparatus which in their judgment will be likely to occasion any such waste, misuse, or undue consumption. And in case of the failure of any such person to observe the rules and regulations the Corporation may, after forty-eight hours notice in writing, and by or under the direction of their officer, repair, replace, or alter the apparatus of any person supplied by them, and the expense thereof shall be repaid to the Corporation by the person on whose credit the gas is supplied, and may be recovered by them as damages for the recovery of which no special provision is made, or the Corporation may refuse to supply gas, or may cut off the gas supplied, unless and until the regulations be complied with.

Rules and regulations to be confirmed.

49. No rules or regulations made by the Corporation for preventing waste, misuse, or undue consumption of the gas of the Corporation shall come into operation until the same be confirmed

by the court of quarter sessions, and it shall be incumbent on the court of quarter sessions on the request of the Corporation to inquire into any rules and regulations tendered for that purpose, and to allow or disallow the same or such of them as the said court shall deem meet: Provided always, that no such rules or regulations shall be confirmed unless notice of the intention to apply for a confirmation of the same has been given in one or more newspapers circulating within the borough, and to the local board, one month at least before the hearing of such application, and the local board or any person desiring to object to any such rules or regulations on giving to the Corporation notice of the nature of their or his objection ten days before the hearing of the application for the allowance thereof may, by themselves or himself, or their or his counsel, attorney, or agent, be heard thereon.

Rules and regulations to be open for inspection, and to be printed and published.

50. For one month at least previous to any such application for confirmation of any such rules and regulations a copy of the proposed rules and regulations shall be furnished to the local board, and a copy kept at the principal office of the Corporation, and the local board and all persons may at all reasonable times inspect such copy to be kept as aforesaid, without fee or reward; and the Corporation shall furnish every person who applies for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words so to be copied, and such rules and regulations, when confirmed, shall be printed and published in the manner herein-after prescribed with respect to byelaws to be made by the Corporation under this Act.

AS TO MARKETS AND SLAUGHTER-HOUSES.

Power to take tolls for markets and slaughter-houses.

51. The Corporation may demand and receive from every person who shall expose or offer for sale or for show in any existing market place of the Corporation, or any market place or fair by this Act authorised, any commodities or things specified in the schedule (D.) to this Act annexed, and from any person using or occupying in any such market or fair, any shop, stall, standing-ground, space, or convenience specified in such schedule, and for the weighing and measuring of any article sold or brought for sale by weight or measure in any such market place or fair, from any person having any such article weighed or measured at the weighing houses or places provided by the Corporation, any tolls, stallages, rates, rents, or sums of money not exceeding the sums set forth in such schedule, and from any person slaughtering cattle in any slaughter-house belonging to the Corporation any tolls not exceeding the sums set forth in schedule (E.) to this Act.

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Prohibition of sales except in markets, &c.

52. Every person who shall sell or expose for sale within the borough, except in any authorised market or fair, or in his own dwelling-house or shop, or on any farm occupied by him, any commodity, cattle, or thing specified in schedule (D.) to this Act annexed, shall for every such offence be liable to a penalty not exceeding forty shillings; provided always, as follows; (that is to say,)

The Corporation may permit any such commodity, cattle, or thing to be sold on any market, fair, or other day, elsewhere than within the market or market place, or other place appointed for holding any fair, on payment of the toll, stallage, rent, or sum of money to which the Corporation are entitled, and may grant licenses for that purpose for such consideration as they think fit:

Saving rights of licensed hawkers and horse-dealers.

Nothing herein contained shall prejudice or interfere with the lawful exercise by licensed hawkers or horse dealers of their respective callings.

Corporation may make byelaws as to weighing, &c.

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

For regulating the use of the weighing machines provided by the Corporation:

For fixing the tolls payable to the Corporation for such weighing and measuring under the Act of 1865, or this Act, and the time for and manner of collecting such tolls:

For appointing and regulating the persons to attend to such machines, weighing, and measuring.

AS TO TOWN HALL.

Corporation may erect and maintain new town hall.

54. The Corporation may appropriate any lands now or by this Act vested in them, or by agreement purchase any lands within the borough, for the purpose of erecting, and may erect thereon and maintain and regulate, and from time to time enlarge and improve any building or buildings to be used as a town hall, council chamber, court-house, cells, police, and other public offices for the borough, and the necessary conveniences and approaches connected with the same building or buildings, or any or either of them, and may from time to time fit up and furnish such building or buildings with suitable furniture and appliances, and employ proper persons to take care of the same.

Corporation may make byelaws as to town hall.

55. The Corporation may make byelaws for the regulating the use of the building or buildings for the time being used by them as a town hall, court-house, council chamber, or offices.

AS TO BATHS, WASHHOUSES, AND BATHING PLACES.

Power to maintain and provide public baths, &c.

56. With respect to the maintenance and provision of public baths and washhouses and bathing places, the Corporation shall have the following powers; (namely,)

They may maintain any existing baths, washhouses, and bathing places, and from time to time enlarge the same, and provide and maintain additional buildings suitable for such baths and washhouses with or without open drying grounds, and make any open bathing places, and convert any buildings into such baths and washhouses, and alter, enlarge, repair, and improve the same respectively, and fit up and furnish and supply the same respectively with all requisite apparatus, fittings, furniture, and conveniences:

They may from time to time appropriate any lands vested in them to and for the purposes in this section mentioned. They may from time to time for the purpose of this section purchase by agreement any baths and washhouses which now are or hereafter may be established otherwise than by the Corporation, and alter or enlarge the same, and the trustees of any baths and washhouses established or provided by public subscription or otherwise may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell such last-mentioned baths and washhouses to the Corporation, or make over to them the management thereof upon such terms as may be agreed upon between them.

Corporation may make byelaws as to baths, &c.

57. The Corporation may from time to time with respect to public baths, washhouses, and bathing places provided by them or under their management, make byelaws for all or any of the following purposes; (namely,)

For securing that the baths, washhouses, and bathing places be under the due control of the officers and servants of the Corporation, and for determining their duties:

For securing privacy to persons using the baths, washhouses, and bathing places:

For providing security against accidents to persons using the bathing places:

For securing that men and boys above eight years old bathe separately from women and girls, and from children eight years old or under:

For preventing damage, disturbance, interruption, and indecent and offensive language and behaviour and nuisances:

For fixing the charges for the use of the baths, washhouses, and bathing places, and the days on and hours during which they shall be used.

Proportion of baths for the working classes.

58. The number of baths for the use of the working classes in any building provided by the Corporation shall not be less than twice the number of the other baths of any higher class.

Recovery of charges for use of baths, &c.

59. The Corporation, by way of additional remedy for the recovery of the charges for the use of the washhouses may detain clothes or goods brought to be washed by any person refusing to pay any such charge till full payment thereof be made, and in case such payment be not made within seven days after the same charges become due, may sell such clothes or goods, or any of them, returning the surplus proceeds of such sale (after deducting the unpaid charges and the expenses of such detention and sale), and any unsold clothes or goods on demand to the owner or person by whom the same were brought to be washed.

Corporation may require that houses be supplied with water, &c. in certain cases.

60. If upon the report of the surveyor it appear to the Corporation that any house within the borough is without a proper supply of water, and that such a supply of water can be furnished thereto at a rate not exceeding the rate authorised by the Acts in force from time to time for supplying the borough with water, the Corporation shall give notice in writing to the owner or occupier of such house, requiring him within a time specified therein to obtain such supply, and to do all such works as may be necessary for that purpose, and if such notice be not complied with, the Corporation may, if they shall think fit, do such works and obtain such supply accordingly, and make and levy water rates upon the premises not exceeding in the whole the rate or rates above mentioned, as if the owner or occupier of the premises had demanded a supply of water, and were willing to pay water rates for the same, and the expenses incurred by them in doing such works as last aforesaid shall be recoverable from such owners or occupiers in a summary way, as by section 183 of this Act provided.

AS TO STREETS.

Extending provisions of section 77 of the Act of 1865.

61. From and after the commencement of this Act it shall be lawful for the Corporation to provide for the metalling or macadamising of any street when they shall think fit, in any order which they are empowered to issue under section 77 of the Act of 1865.

On owner's neglect to sewer and pave, &c., power to do the work at his expense.

62. If any work required to be done by any such order is not commenced within one month after the last publication of such order, or if any such work when commenced is not carried on without unreasonable delay, or if any such work is not completed within the time and in the manner prescribed in the order, the following provisions shall apply to every such case; (namely,)

(1.) The Corporation may at any time and from time to time remove all obstructions in, upon, or under, and sewer,

drain, level, flag, pave, macadamise, or otherwise complete the street or court to which the order relates, or such part thereof as is not done in accordance with the order, in such manner as they think fit:

(2.) The Corporation may charge the several owners of buildings or lands in such street or court with the expenses of or incidental to the execution of such works, together with a commission not exceeding the rate of five per centum on the amount of such expenses in respect of the cost to the Corporation of the surveying and superintendence of such works, which expenses and commission are comprised in the term "new street expenses" when hereafter used in this Act:

(3.) New street expenses shall be charged to such owners in proportion to the extent of the frontage of their respective buildings and lands in the street or court, or in such other proportion as the Corporation shall think equitable:

(4.) Such proportion shall be ascertained and settled by the Corporation, and such apportionment by the Corporation shall be binding and conclusive on all parties unless the same is by written notice disputed within one month from the time of notice being given by the Corporation of such apportionment:

(5.) Any such dispute shall be settled by arbitration:

(6.) Notwithstanding any such dispute, such interest on new street expenses as is hereafter in the section of this Act concerning "the recovery of new street expenses from owners and others" provided for shall commence as against each such owner from the expiration of one month from the time of demand by the Corporation of his proportion of new street expenses;

but the exercise of the powers of the present section shall be subject to the following provisions; (namely,)

(1.) The owner of any building or lands shall not be liable to be charged for the repair of any public highway that crosses any such street or court:

(2.) The increase of expense occasioned by the construction of any sewer of a larger size or with materials other than would have been necessary merely for the purpose of the drainage of any such street or court, or of the buildings or lands therein (such increase of expense to be ascertained and settled by or under the direction of the Corporation), shall be borne and paid by the Corporation:

Provided always, that in this present enactment, and in the Act of 1865, the expression "buildings or lands" shall not include any

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building or land used by a railway company as a part of or in connexion with their railway, and having no communication with any street on which such building or land may wholly or partly adjoin, abut, or front.

Streets may be sewered only or paved only and expenses recovered.

63. The Corporation may, under and according to the foregoing provisions, order any street or court to be sewered, drained, and levelled only, without requiring it at the same time to be flagged and paved or macadamised, and in that case all the provisions of this Act, or the Act of 1865, with respect to the sewering, draining, levelling, flagging, paving, macadamising, or otherwise completing of streets and courts shall be applicable to the sewering, draining, and levelling only of such street or court, and the expenses thereof and incidental thereto, including such commission as aforesaid, shall be deemed new street expenses, but a street or court sewered, drained, and levelled shall not be declared to be a highway until it has also been flagged, paved, or macadamised, and otherwise completed to the satisfaction of the Corporation; and if the Corporation at any time after any street or court is sewered, drained, and levelled think proper to have the same flagged, paved, macadamised, or otherwise completed, all the provisions of this Act with respect to sewering, levelling, draining, flagging, paving, macadamising, or otherwise completing of streets and courts shall be applicable to flagging, paving, macadamising, or otherwise completing only of such street or court, and the expenses thereof or incidental thereto, including such commission as aforesaid, shall be deemed new street expenses.

Power to require alteration of levels of streets.

64. The Corporation may from time to time by order, in conjunction with any order authorised by this Act relative to the formation of any street, direct that the level of any street be altered so as to be adapted in such manner and to such extent as the Corporation think fit to the level of any adjoining or other street, making compensation to owners and occupiers of buildings and lands, and to the Southport Waterworks Company for any damage or expenses sustained or incurred by them by reason or in consequence or in the execution of such order.

Power to acquire lands and buildings for street and other improvements.

65. For the purpose of making new streets, or widening, enlarging, altering, diverting, or rendering more commodious any street or court, or otherwise, for the improvement of the borough, the Corporation may agree with the owner of and with any persons interested in any building or lands for the acquisition of such building or lands, and of all subsisting leases, rentcharges, annuities, mortgages, incumbrances, estates, easements, rights, and privileges in or affecting the same building or lands, either by the absolute purchase thereof or by exchanging therefor any lands vested in the Corporation and not required by them for the purposes of this Act,

and after such purchase or exchange may cause any building or the part thereof so acquired to be taken down and removed, and the site thereof and the lands so acquired, or any part thereof respectively, to be used for any purpose in this section mentioned.

Buildings may be set forward for improving line of street.

66. The Corporation may allow, on such terms as they think fit, any building to be set forward for improving the line of the street or court in which such building is situated, provided that the same be not in contravention of any covenant or right.

Projecting houses when taken down to be set back.

67. When any building, any part of which projects beyond the regular line of the street or court, or beyond the front of the building on either side thereof, is burnt or taken down to or within ten feet from the surface of the adjoining street or court, the same shall be set back to or towards the line of such street or court, or the line of the adjoining building, in such manner as the Corporation direct, for the improvement of such street, court, or line of building, the Corporation making compensation to the owner of such building for any loss or damage sustained by him in consequence of his building being so set back.

Neville Street South to be a public highway.

68. From and after the date of the commencement of this Act the streets or highways, or portions thereof, within the borough called or known as East Bank Street (between Lord Street and Chapel Street), Neville Street, London Street (between Lord Street and Chapel Street), and Neville Street West, shall be and be deemed in all respects public highways respectively, and shall be vested in and repairable by the Corporation.

AS TO DWELLING HOUSES AND NEW BUILDINGS.

Rules as to erection, &c. of dwelling-houses.

69. It shall not be lawful, without the consent of the Corporation, to erect or rebuild any building in any existing street within the borough any portion of which building shall be within seven yards from the centre of such street: Provided that when the owner of any building shall, in the course or for the purpose of such rebuilding, set the same back from the line occupied by the original building, the Corporation shall make full compensation to such owner for the value of the land relinquished to the extent required by this section by such owner for the purpose of such setting back, and for the damage sustained by such owner by reason of severance or otherwise, and also to other owners who shall thereby be injuriously affected for any injury they may sustain; and if the Corporation shall within one month after notice in writing from such owner requiring compensation in respect of such land fail to agree with such owner, such compensation shall be ascertained in manner provided by "The Lands Clauses Consolidation Act, 1845," and such land shall thereafter be and remain part of such street.

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Back yards to new buildings.

70. Every building hereafter built or rebuilt shall have at the back or side thereof and immediately adjacent thereto and exclusively occupied therewith a yard or area of not less than one half the area of such building, or not less than one hundred and eighty superficial square feet if such building be not more than two storeys high, or not less than two hundred and fifty superficial square feet if such building be more than two storeys high, whichever shall be the larger area, and with the exception of the portion of such yard being the site of a pantry, coal-house, and privy, not exceeding nine feet in height, and not covering more than forty superficial feet, the whole of such yard with such exception shall be left and maintained open from the ground upwards: Provided always, that the Corporation shall have power to permit the yard or area of a building hereafter built at the corner of a street, or of a building hereafter to be rebuilt, to be of such smaller dimensions as they may determine.

Buildings and dwelling-houses not to be converted so as to provide dwellings in contravention of byelaws as to dwelling-houses erected after commencement of Act.

71. It shall not be lawful to convert any building into a dwelling or any dwelling-house into two or more dwellings, or to add any additional storey to any building, whether such building or dwelling-house have been erected before or after the passing of this Act, unless each such building have a front and back entrance, and a yard or ground space attached thereto of such extent and in such position (except in special cases to be approved by the Corporation) as shall be in accordance with the provisions of this Act, or of any byelaw to be made in pursuance of this Act, with respect to dwelling-houses to be erected after the commencement of this Act.

Level of ground floor.

72. The level of the ground floor of every building hereafter built or rebuilt shall be at least six inches above the level of the footway immediately adjoining such building, whether there be a cellar to such building or not.

Only one storey in roof.

73. There shall not be more than one storey in any part of the roof of any house hereafter built or rebuilt, except with the consent of the Corporation.

Penalty in letting buildings contravening Act, &c., when no other penalty specially provided.

74. Every owner who shall let or occupy or suffer to be occupied any building which shall offend against any of the provisions of this Act or any byelaw made thereunder, shall in case there be no other penalty by this Act or such byelaw specially provided for such offence, be liable to a penalty not exceeding five pounds.

Regulations as to external walls.

75. The following regulations as to buildings shall be in force in the borough, and the Corporation may require the same to be carried into effect; to wit,

(1.) The external walls of all buildings and the party wall between every two adjoining buildings shall not be less than nine

inches thick, if built of brick, and of one foot if built of stone:

(2.) If the external walls exceed twenty-four feet in height above the ordinary surface of the adjoining ground, and there be more than two floors above that surface, then the thickness of the walls shall be at least thirteen inches and a half from the top of the footings up to the under side of the floor next below the topmost floor, and at least nine inches above that under side:

(3.) If the external walls exceed forty feet in height above that surface, and there be more than four floors, then the thickness of the walls shall be at least eighteen inches from the footing of the under side of the floor next but two below the topmost floor, and at least nine inches above that under side:

Provided always, that where any person builds any building in contact with another building then properly built, the existing external wall of such building may, if the parties interested so agree, be used as a party wall separating the two buildings when both are built.

Measurement of front elevation.

76. For the purposes of this Act the height of the front elevation of a building shall be measured from the level of the street or court immediately adjoining the building to the eaves or square of the building.

Certain reconstructions deemed new buildings.

77. For the purposes of this Act the re-erecting of any building pulled down or destroyed by fire or otherwise to within ten feet of the level of the ground immediately adjoining thereto, or of any building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building.

AS TO BYELAWS AS TO NEW STREETS AND BUILDINGS.

Corporation may make byelaws as to new streets, buildings, &c.

78. The Corporation may from time to time make byelaws with respect to all or any of the following matters; (that is to say,)

With respect to the level and construction of new streets, courts, and footways, and the provisions for the sewerage thereof:

With respect to the material and structure of the foundations and walls and roofs of new buildings with a view to the prevention of fires:

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With respect to the structure of new buildings of public entertainment for securing efficient means of egress therefrom in case of fire or accident:

With respect to the sufficiency of the space about buildings to secure a free circulation of air:

With respect to windows and the ventilation of buildings and cesspools:

With respect to the drainage of buildings, and to waterclosets, privies, cesspools, and ashpits in connexion with buildings, and to their situation:

Provided always, that no byelaw for any of the purposes aforesaid shall affect any building, not being a new building within the meaning of this Act.

The Corporation may also make byelaws with respect to all or any of the following matters; (that is to say,)

With respect to the thickness, material, and construction of walls near ovens and furnaces, and of walls of ovens and furnaces not used for manufacturing:

With respect to the closing of buildings or parts of buildings unfit for human habitation, and to the prohibiting the use thereof for human habitation:

Provided that the Corporation shall not in reference to the last-mentioned matters enforce any such byelaw in respect of or affecting any building or part of a building belonging to a railway company, unless and until the railway company shall for a period of five weeks after they have been served with notice requiring them to render such building fit for human habitation, have failed to do so; every such notice shall be in writing, and shall be delivered or sent by post, addressed to the secretary of the railway company at their principal office or place of business.

And the Corporation may provide for the observance of any byelaws made under this section, by enacting therein such provisions as they think necessary,—

As to the giving of notices:

As to the deposit of plans and sections by persons intending to lay out new streets or to construct or alter buildings:

As to inspection by the Corporation:

And as to the power of the Corporation to remove, alter, or pull down any work begun or done in contravention of this Act or of such byelaws:

Provided always, that the word "buildings," or any like word or expression in this or any other enactment, shall not (except as regards any building used or occupied as a dwelling-house) be held

to mean or include any building or intended building belonging to or occupied by a railway company, and used or intended to be used for the purposes of their business as a railway company within the premises of the railway company.

Plans, &c. to be deemed approved if Corporation neglect to notify the contrary.

79. If the Corporation, for the space of one month after any plan or section is submitted to them for their approval, neglect to notify their determination with reference thereto in writing to the person submitting the same, the Corporation shall be deemed to have approved of such plan or section; provided nevertheless, that such building be erected and such sewer or drain formed in accordance with the provisions of this Act.

Regulation as to lodging houses.

80. No person shall suffer any lodgers to sleep in any room in any house belonging to or occupied by him unless there be four hundred cubic feet of space at the least for every person sleeping in such room, and any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings, and a further penalty not exceeding twenty shillings for every day on which such offence shall continue.

AS TO SEWERS, &c.

Power to construct works for utilisation of sewage.

81. The Corporation may from time to time, as they think fit, construct or provide on any land for the time being belonging to them such buildings, cesspools, tanks, or other receptacles as may be necessary for the purpose of collecting and depositing the sewage water and refuse of the sewers and drains and other places under the jurisdiction of the Corporation for sewage purposes, and such apparatus and machinery as they think requisite for disinfecting such water and refuse, and provide and lay such pipes, pumps, and apparatus in such manner and in such places as they think requisite for collecting and distributing the same on any lands in the occupation of the Corporation, or for sale or other disposition to any person agreeing with the Corporation to purchase, or otherwise take the same either within or beyond the limits of the jurisdiction of the Corporation for sewage purposes.

Act not to authorise nuisance.

82. Nothing in this Act shall authorise the Corporation to do or be party to any act or thing amounting to a nuisance.

Sewers may be made by owners and occupiers of land beyond borough.

83. Any person being the owner or occupier of any lands outside the borough, in respect of which he would not be liable to the payment of rates under this Act, may, with the consent of the Corporation first obtained in writing, upon payment to them of a reasonable sum of money to be agreed upon between them, at his own expense, and under the superintendence of the surveyor, cause

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to branch into and to communicate with any of the sewers of the Corporation any sewer or drain, in respect of the same property, that may be lawfully made therefrom, of such size and in such manner and form of communication as the Corporation approve; but nothing in this Act shall affect any right acquired by such owner or occupier, independently of this Act, to use any sewer, drain, or watercourse.

All sewers, &c. to be covered with traps.

84. All sewers, drains, and cesspools, whether public or private, shall be provided by the Corporation, or other persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench.

Connexion of drains with sewers.

85. The Corporation may by notice require the owner of any building or lands occupied therewith within the borough (not being lands used exclusively for agricultural purposes), in their opinion insufficiently drained, to construct a drain in such position, of such size, and of such materials, and at such levels as seems to the Corporation sufficient for the purpose of effectually draining the same, and if the Corporation have a suitable sewer, or the right to use such a sewer within one hundred feet from such building or the boundary of such lands, they may require such owner to connect such drain with such sewer, or if they have not any suitable sewer or right to use such a sewer within that distance, then to connect such drain with some proper receptacle, not being underneath any house and not being at a greater distance than the limit aforesaid, and the owner shall keep such drain in repair, and from time to time cleanse the same to the satisfaction of the Corporation: Provided that nothing in this section shall make it obligatory on any such owner to acquire any land or easement for the purpose of constructing any drain or receptacle, or of connecting any drain with any sewer.

Urinals attached to public-houses, &c.

86. The Corporation may order the owner or occupier of any inn, public-house, beerhouse, eating-house, cook-shop, or other place of public entertainment, built before or after the commencement of this Act, to provide within such time as the Corporation think fit, and thenceforward to maintain upon or adjoining to his premises in some place under his control, to be pointed out by the Corporation, urinals to the satisfaction of the Corporation; and every such owner and occupier shall, once in every day, cleanse such urinals to the satisfaction of the Corporation, and if any person fails in any respect to comply with the provisions of the present section, he shall be liable to a penalty not exceeding five shillings for every day during which such failure continues after the expiration of fourteen days from the service of such order on him; and

the Corporation may order the owner and occupier of any building or lands to remove any urinal belonging thereto, where it appears to them so situated or constructed as to be a nuisance, or offensive to public decency, or otherwise objectionable.

Dust boxes to be erected by Corporation.

87. The Corporation, if they think fit, may cause any number of movable or fixed dust boxes or other conveniences, wherein dust and ashes may be deposited until removed and carried away, to be provided and placed in suitable and convenient places in such of the streets and courts as they shall judge necessary, and may require the occupiers of houses or tenements within such streets and courts, to cause all their dust and ashes to be deposited daily in the said dust boxes or other conveniences, and every person who, after such dust boxes or conveniences have been so provided, shall deposit or cause or permit to be deposited any ashes or dust in any part of any street or court, except in some of the said dust boxes or other conveniences, and every person who shall lay or cause to be laid any dirt, dung, or other filth in any part of any street or court, shall for every such offence be liable to a penalty not exceeding ten shillings.

Regulation as to night-soil.

88. Every person who empties or begins to empty any privy, cesspool, or ashpit, or removes the contents thereof, or carries along any street any offensive matter or thing, except between the hours of nine at night and seven in the morning from Lady Day to Michaelmas Day, or between the hours of eight at night and eight in the morning from Michaelmas Day to Lady Day, or who at any time uses any cart for the removal of any offensive matter or thing without having a covering, or boards called flash-boards, for preventing the escape of the contents of such carts, or of the stench thereof, or who at any time negligently slops or spills any offensive matter or thing in the removal thereof, or who does not well and carefully sweep and cleanse the place in or upon which such offensive matter or thing has been placed, or slopped or spilled, shall for every such offence be liable to a penalty not exceeding forty shillings, and any officer or other person employed by the Corporation may seize and carry away all offensive matter so left in any of the said streets after such hours in the morning as aforesaid, and the employer of any person who shall offend in any of the cases aforesaid shall be liable to a like penalty for every such offence, and any officer or other person employed by the Corporation may, without warrant, seize and detain any such cart, horse, or beast until the said penalty, together with the costs of such seizure and detention, be paid, and if such penalty and costs be not paid within three days next after such seizure, the Corporation may sell such

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cart, horse, or beast, if belonging to the offender, and the money arising from such sale shall be applied in defraying such penalty and costs, and the overplus (if any) shall be paid to the owner on demand.

AS TO LIBRARIES, MUSEUMS, AND SCHOOLS OF SCIENCE AND ART.

Corporation may accept transfer of public library, and establish public libraries, &c.

89. The Corporation may accept a transfer of any library which may hereafter exist in the borough on such terms and conditions as the Corporation and the owners thereof may mutually agree upon, and may maintain, extend, and improve such library, and may from time to time appropriate any lands or buildings vested in them, or by agreement purchase any lands or buildings, and upon any lands so appropriated or purchased erect any buildings suitable for public libraries or museums and public schools of science and art, or for any or either of those purposes, and apply, pull down, alter, and enlarge any buildings for all or either of such purposes, and rebuild, repair, and improve the same buildings respectively, and fit up, furnish, and supply the same respectively with all necessary furniture, fittings, and conveniences.

Management of libraries, &c.

90. The general management, regulation, and control of such libraries, museums, and schools shall be vested in and exercised by the council, or such committee as the council think fit from time to time to appoint (the members of which committee need not, if the council think fit, be members of the council), who may from time to time purchase and provide the necessary fuel, lighting, books, maps, newspapers, scientific apparatus, and specimens of science and art for the use of the libraries, museums, and schools, and cause the several matters so purchased and provided to be repaired when necessary, and appoint salaried officers and servants for the superintendence and service of such libraries, museums, and schools respectively.

Corporation may make byelaws as to libraries, &c.

91. The Corporation may make byelaws and regulations for the use of such libraries, museums, and schools respectively, and for ensuring the safety thereof, and of the contents thereof respectively, and for the admission of the public thereto respectively, and for the suspending and removing the officers and servants so appointed as aforesaid, and for prescribing and regulating their duties and conduct.

Power to subscribe to public band.

92. The Corporation may in any year subscribe such sum or sums as they think fit, not exceeding in the whole the sum of one hundred pounds a year, to maintain a public band for the recreation of the inhabitants and visitors of Southport.

AS TO HACKNEY CARRIAGES, PLEASURE BOATS, &c.

Power to license hackney carriages, pleasure boats, &c.

93. The Corporation from time to time may license to stand or ply for hire within the borough such hackney coaches or carriages, pleasure boats, bathing machines or bathing vans, 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, bathing machines or bathing vans, bath chairs, saddle horses, mules, and asses standing or plying for hire within the borough; and for the purposes of this Act the words "hackney carriage" in those provisions shall include pleasure boats, bathing machines or bathing vans, bath chairs, saddle horses, mules, and asses; and the word "driver" shall include the person attending or having charge of a pleasure boat, bathing machine or bathing van, 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 borough, 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: Provided always, that nothing in this Act or the Acts incorporated herewith contained shall authorise or enable the Corporation to fix or place or to license to stand or ply for hire upon the pier belonging to and known as the pier of "The Southport Pier Company, Limited," any bath chair or hackney carriage or any other stand or erection.

Byelaws for hackney carriages, &c.

94. In addition to the byelaws authorised to be made under section 68 of "The Town Police Clauses Act, 1847," the Corporation 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, bathing machines or bathing vans, 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.

OFFENCES.

Penalty on drunkenness.

95. If any person shall be drunk and incapable in any street or court within the borough, he shall for every such offence be liable to a penalty not exceeding five shillings, and if he shall not immediately upon conviction pay such fine with costs, the justice before whom he is convicted may imprison such offender for any term not exceeding seven days, unless such fine and all costs shall be sooner paid.

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Drunkards guilty of riotous or indecent behaviour may be imprisoned.

96. Every person who shall be drunk in any street or court and shall be guilty of any riotous, disorderly, or indecent behaviour, or who shall be guilty of any violent, disorderly, or indecent behaviour in any police office or police station, shall be liable to a penalty not exceeding forty shillings for every such offence, or in the discretion of the justices before whom he is convicted may be imprisoned for any term not exceeding fourteen days.

Prohibition of gambling in streets, &c.

97. It shall not be lawful for any two or more persons to assemble in any street, open space, vacant ground, or waste land within the borough for the purpose of gambling by means of pitch and toss or any game or otherwise, and if any person acts in contravention of this section he shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings.

Regulations respecting coffee shops, &c.

98. If any person, being or not being a licensed victualler or person licensed to sell beer by retail to be drunk on the premises or licensed to keep a refreshment house under the Act of the session of the twenty-third and twenty-fourth years of Her present Majesty, chapter twenty-seven, has or keeps any house, room, shop, cellar or vault, or place of public resort in the borough wherein ready-made tea or coffee, cooked victuals, provision, liquors, or refreshments of any kind is or are sold or consumed, whether the same is or are kept or retailed therein or procured elsewhere, and knowingly permits drunkenness or other disorderly conduct in such house, shop, room, or place, or knowingly suffers any unlawful game or any gaming therein, or knowingly permits prostitutes, reputed thieves, drunken or idle or disorderly persons, or persons of notoriously bad character to meet together and remain there, he shall be liable to a penalty not exceeding five pounds, and any constable may at any time enter into any such house, shop, room, cellar, vault, or place, the owner or keeper whereof has been within twelve months before such entry convicted of any such offence as aforesaid, and if any such owner or keeper or any person in his employment in such case refuses to allow or does not on application allow such constable so to enter, every person so offending shall be liable to a penalty not exceeding forty shillings.

Animals unfit not to be used in hackney carriages.

99. The proprietor of any hackney carriage or porter's cart who shall use in any such carriage or cart any animal unfit for the due and proper draught and service thereof shall be liable to a penalty not exceeding forty shillings.

23 & 24 Vict. c. 84. extended to the borough.

100. The Act passed in the twenty-third and twenty-fourth years of Her present Majesty, chapter eighty-four, for preventing the adulteration of articles of food and drink, shall be deemed to extend and apply to the borough, notwithstanding such borough

has not a separate court of quarter sessions; and the Corporation may have and exercise the several powers and provisions of such Act given to or vested in the town council of any borough having such separate court of quarter sessions.

AS TO THE ACQUISITION AND SALE, &c. OF LANDS.

Power to take lands.

101. Subject and according to the provisions of this Act, the Corporation may from time to time enter upon, take, and use such of the lands delineated on the deposited plans and described in the book of reference as they may think requisite for the purposes of this Act.

Power to acquire additional lands by agreement.

102. The Corporation may from time to time, for all or any of the purposes of this Act, by agreement purchase any lands or any easement, power, or privilege therein, thereunder, thereover, or thereupon, which shall be deemed necessary by the Corporation, and may erect any new building on any land now or by this Act vested in them or hereafter to be so acquired as aforesaid, and take down or alter all or any of the buildings so vested in or to be acquired by them, or any part of the same respectively, and may appropriate all or any part thereof, or of the land which shall have been cleared by the taking down of any such building, for all or any of the purposes of this Act: Provided always, as follows; (that is to say,)

The quantity of land the Corporation may so acquire under the provisions of this section shall not exceed ten acres for the purposes of parks, and ten acres for other purposes.

Consideration for such acquisition.

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

Persons under disability may exchange and lease, &c.

104. The person by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey or release lands, may grant any such easement, power, or privilege as aforesaid; and the provisions of the said Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," except with respect to the purchase and taking of lands otherwise than by agreement, shall extend and apply to any such easement, power, or privilege, not being an easement of water.

Limitation of time for compulsory purchase of land.

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

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Power to grant building leases of lands near streets, &c.

106. If any lands acquired by the Corporation for the purposes of this Act be not so used, the Corporation, when and as they think fit, may convey or demise for any term of years, such lands or any parts thereof to any persons agreeing to erect thereon or any parts thereof, erections or buildings of such rate or class of buildings, and upon such plan and elevation, and of such height and with such storeys, and with such yards or gardens, according to the provisions of this Act, and the Corporation may (if they think fit) take any fine for such conveyance or lease, and may (if they think fit) reserve any rent in any such conveyance or lease, and every such conveyance or lease shall contain a covenant for the payment of any rent thereby reserved, and such other covenants on the part of the grantee or lessee as the Corporation think reasonable, and a clause in the nature of a condition of re-entry, on nonpayment of any rent thereby reserved, or nonperformance of the covenants on the part of the grantee or lessee therein contained.

Power to make agreements as to building leases.

107. The Corporation may, if they think fit, from time to time enter into any agreement for such a conveyance or lease on such terms and conditions as they think fit, and on making a conveyance or lease in pursuance thereof, may alter the amount of the rent agreed to be reserved, and may apportion the same and make separate leases of any parts of the lands comprised in the agreement as they think fit, and may alter or rescind any such agreement; and the Corporation may accept the re-conveyance or surrender of any lease for the purpose of making separate leases of the same lands in parcels at apportioned rents, or another lease of the same lands under different covenants, or otherwise in all respects as they think fit.

Sale of lands subject to building leases.

108. The Corporation, as and when they think fit, and either before or after any such conveyance or lease is granted, may sell and dispose of any rent reserved or agreed to be reserved for any such lands, and the reversion and inheritance in fee simple in possession (subject to any such lease or agreement of or concerning the lands) of such erections and buildings, except such as have been otherwise disposed of under this Act, either altogether or in parcels, by public auction or by private contract, for such price as the Corporation think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the erections and buildings which are to be at all times erected thereon, and to such stipulations as to the title to be produced to the hereditaments sold as the Corporation think fit; and the Corporation shall, at the request and expense of each purchaser, on payment of his purchase money, by deed convey and assure the lands purchased

by him, with the erections and buildings thereon, and the appurtenances, to the purchaser, his heirs and assigns, or as he directs, free from incumbrances, by the Corporation, except the building lease or agreement of or concerning the same made under this Act.

Power to sell without previous grant of building leases.

109. The Corporation, if they think it expedient, may from time to time sell and dispose of in manner herein-before directed any such lands as aforesaid, without having previously made or agreed to make any lease thereof, and convey and assure the same to the purchaser thereof, for such price and upon, under, and subject to such covenants and agreements on the part of the purchaser with respect to the rate or class of the erections and buildings to be erected thereon, and the height, size, and elevations thereof, and the time and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Corporation think fit.

Sales to be made within twenty years.

110. The Corporation shall, before or at any time within twenty years after the completion of the work for the purposes whereof any lands are acquired, sell or dispose of and convey such parts of those lands as are not wanted for the purposes of the same work or of any other work for the time being authorised to be made by the Corporation, but nothing in the present section shall compel the Corporation to sell or dispose of the rents reserved in any such conveyances or leases as aforesaid.

Power to sell, &c. lands not wanted.

111. Subject to the other provisions of this Act, the Corporation may from time to time sell, lease, exchange, or otherwise dispose of any building or lands, or any parts thereof, vested in them at the commencement of this Act, except the Hesketh Park, or acquired by them under this Act, and not wanted for the purposes thereof, and make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition.

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

112. Except as to land or buildings acquired by the Corporation by virtue of the herein-before recited transfer of the 29th day of August 1867, or by virtue of this Act, nothing in this Act shall enable the Corporation to sell, alienate, encumber, or demise, without the approbation of the Commissioners of Her Majesty's Treasury, signified in writing under the hands of any two of them, any buildings or lands which they could not have sold, alienated, encumbered, or demised without such approbation before the commencement of this Act.

AS TO RATES, BOROUGH FUND, AND BOROUGH RATES.

Power to levy rates.

113. Between the thirtieth day of September one thousand eight hundred and seventy-one and the thirtieth day of September one

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thousand eight hundred and seventy-two, and once, or if need be oftener, in every year therein-after computed from the thirtieth day of September in every year, the Corporation, in lieu of the rates authorised by the Act of 1865, may make, assess, and levy the rates following, to be called respectively "The Cemetery Rate," "The Paving and Highway Rate," and "The Improvement Rate," and the moneys raised by such rates respectively shall be carried to separate accounts, to be called respectively "The Cemetery Account," "The Paving and Highway Account," and "The Improvement Account," and shall respectively be applicable exclusively for carrying this Act into execution with respect to the cemetery, the maintenance and repair of streets and highways, and the other improvements by this Act authorised: Provided that in any year such rates respectively shall not exceed the respective sums of fourpence, one shilling and sixpence, and two shillings and sixpence on the yearly rateable value of the property rateable thereto.

Money payable to borough fund.

114. All money which shall come to the hands of the Corporation under or by virtue of any of the powers and provisions of this Act (except moneys payable in respect of the cemetery rate, the paving and highway rate, and the improvement rate aforesaid, or as purchase money of, consideration for, or by way of fine on, lands sold, leased, or exchanged, and moneys borrowed under or by authority of any Act of Parliament) shall be carried to the credit of the borough fund.

Application of money arising from sales and fines.

115. All money paid to the Corporation as purchase money of, consideration for, or by way of fine on, lands sold, leased, or exchanged shall be applied by the Corporation in discharging according to their several priorities the principal moneys owing by the Corporation on the security of the estates and property of the Corporation and the borough fund, and shall, until so applied, be invested in the same manner as is directed with respect to the sinking fund by this Act required to be provided by the Corporation, but no such payment shall be reckoned a payment to such sinking fund.

Application of rates.

116. All moneys raised by the Corporation by the cemetery rate, the paving and highway rate, and the improvement rate respectively shall, when carried to the credit of the respective accounts hereinbefore directed, to be respectively applied as follows:—

I.—As to the Cemetery Rate.

(1.) The payment of the interest on such of the mortgages of the cemetery rate granted by the Commissioners or the Corporation before the passing of this Act as are from time to time in force:

(2.) In payment of the interest in the moneys borrowed under this Act for the purposes of the cemetery:

(3.) In providing in proportion to the amount borrowed thereon the sinking fund required by this Act:

(4.) In carrying into execution the several purposes of this Act with respect to the cemetery.

II.—As to the Paving and Highway Rate.

(1.) In paying the interest on such of the mortgages of the paving and highway rate granted by the Commissioners or the Corporation before the passing of this Act as are from time to time in force:

(2.) In payment of the interest of moneys borrowed under this Act for the purposes to which the paving and highway rate is applicable:

(3.) In providing the sinking fund required by this Act:

(4.) In carrying into execution the several purposes of this Act with respect to the sewering, paving, flagging, maintaining, and repairing the streets within the town, and to which the paving and highway rate is applicable.

III.—As to the Improvement Rate.

(1.) In payment of the interest on such of the mortgages of the improvement rate granted by the Commissioners or the Corporation before the passing of this Act as are from time to time in force:

(2.) In payment of the interest of moneys borrowed under this Act for the purposes to which the improvement rate is applicable:

(3.) In providing the sinking fund required by this Act:

(4.) In carrying into execution the several purposes of this Act to which the improvement rate is applicable.

Application of borough fund.

117. The borough fund shall be applied to the following purposes and in the following order; namely,

(1.) In discharging the interest from time to time payable by the Corporation on the principal moneys for the time being subsisting and payable by the Corporation by virtue of any Act of Parliament:

(2.) In paying all sums required for the formation of any sinking fund not hereby otherwise provided for:

(3.) In defraying the costs and expenses of carrying into execution the several purposes of this Act and the Municipal Corporation Acts not hereby otherwise provided for:

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And the surplus (if any) shall be applied by the Corporation as they think best for the benefit of the inhabitants or the improvement of the borough.

Apportionment of items.

118. In all cases in which the Corporation keep separate accounts for separate purposes they may apportion between those accounts, or carry to either of them any receipts, credits, payments, and liabilities which from time to time it appears to them ought to be so apportioned or carried.

Power to levy borough rate.

119. In case at any time the borough fund is insufficient for the payment of the moneys charged upon and payable thereout, the Corporation may annually or oftener raise such a sum as they shall estimate to be sufficient, together with such borough fund for the payment of such moneys by means of a borough rate.

Provisions as to the levying of rates.

120. The Corporation shall make, assess, and levy all rates leviable under the provisions of this Act according and subject to the following provisions; (that is to say,)

They shall make, assess, and levy every rate upon the occupier of all such kinds of property, as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor according to the net annual value of such property:

Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the form given in schedule (G.) to this Act annexed, or as near thereto as the circumstances of the case will admit:

Every such rate shall be signed by the town clerk:

Notice of every such rate having been made, and of the place where the rate book is deposited for inspection shall be given by placard posted outside the town hall or office of the Corporation within seven days after the making of the said rate:

It shall in no case be necessary to prove the giving of such notice:

No allowance, publication, or other formality whatever, other than is expressly prescribed in this Act, shall be requisite to the validity of such rate:

Immediately after the making of any such rate, the book in which it is so transcribed shall be deposited for the inspection at all seasonable times of any person rated, and any such person may without payment take copies of or extracts therefrom:

Any person having the custody of any such rate book, who shall not permit any such ratepayer as aforesaid to take copies of or abstracts from such rate book, shall for every such offence be liable to a penalty not exceeding five pounds.

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Certain persons to be rated at only one fourth of actual value for purposes of borough rate.

121. In every rate levied under this Act, other than the highway rate, the owner of any tithes, or tithe commutation rentcharge, and the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed or used under or by virtue of the powers of any Act of Parliament for public traffic, shall be assessed in respect of the same in the proportion of one fourth only of the net annual rent or value thereof.

Churches, &c. and unoccupied property exempted from rate.

122. No church, chapel, or meeting-house duly licensed for religious worship, and used for such exclusively, almshouse, hospital, or building exclusively appropriated for the gratuitous education of the poor, nor any property during the time it shall be empty or unoccupied, shall be liable to the payment of any rate.

Limit of borough rate.

123. The borough rate shall not in the aggregate exceed in any one year the sum of one shilling in the pound on the yearly rateable value of the property rateable thereto without the consent of the ratepayers as next herein-after provided.

Power to increase amount of borough rate with consent of ratepayers.

124. If at any time the amount of the borough rate by this Act authorised be insufficient for the purposes thereof, the Corporation may, with the consent of a majority of the persons liable to be rated thereto, present at a meeting convened for that purpose by the Corporation, increase such rate above the amount by this Act limited, such meeting to be held after fourteen days notice given by the Corporation of their intention to propose an increase in such rate, and of the amount of the proposed increase.

Produce of borough rate to be carried to borough fund.

125. All money levied by means of a borough rate shall be paid to the treasurer, and shall be carried to and shall form part of the borough fund, and shall be applied accordingly.

Certain provisions of Municipal Corporation Acts as to borough fund and rate excluded.

126. From and after the passing of this Act the provisions of the Municipal Corporation Acts, relating to the creation of the borough fund and to the levying of borough rates, shall cease to apply to the borough.

Rates may be prospective and retrospective.

127. The Corporation may make any rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses which may have been incurred, or partly prospectively and parly retrospectively.

Amount of rate may include expenses of

128. The amount of any rate made by the Corporation under the authority of this Act may, if the Corporation think fit, be such amount as in their judgment will be sufficient to raise or discharge

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recovering same.

not only the sum in respect of which the rate is made, but also such a sum as will, in the judgment of the Corporation, meet the expenses, or what in their judgment is a due proportion of the expenses, incurred and to be incurred in and about making and recovering the rate.

Parts of district may be separately assessed.

129. The Corporation may from time to time divide their district, or any street therein, into one or more parts for all or any or either of the purposes of this Act, and make a separate assessment upon any such part for and in respect of all or any of the purposes for which the same is formed; and every such part, so far as relates to the purposes in respect of which such separate assessment is made, shall be exempt from any other assessment under this Act for or in respect of the purposes for which such separate assessment is made: Provided always, that if any expenses are incurred or to be incurred in respect of two or more parts of a district in common, the same shall be apportioned between them in a fair and equitable manner, and that if such division be made for the purposes of the highway rate the money raised shall be expended solely in the area assessed.

Owner may be rated instead of occupier in certain cases.

130. The owner instead of the occupier may from time to time, at the option of the Corporation, be rated in the following cases; namely,

(1.) Where the rateable value of the property rated does not exceed the sum of six pounds:

(2.) Where buildings are let in separate apartments:

(3.) Where the rents become payable or are collected at shorter intervals than quarterly.

When owner is rated, occupier to be entitled to the same municipal privileges under 5 & 6 Will. 4. c. 76. as if he was rated instead of owner.

131. Where the owner of any such property shall be rated by virtue of this Act instead of the occupier thereof, and such owner shall have paid all money due on account of any rate or rates in respect of such property, such occupier shall be entitled to all municipal privileges and franchises to which, by virtue of an Act made and passed in the session of Parliament held in the fifth and sixth years of the reign of King William the Fourth, intituled "An "Act to provide for the Regulation of Municipal Corporations in "England and Wales," he would have been entitled if he himself had been rated and had paid such rate or rates; and if such owner so rated aforesaid shall not have paid such rate or rates, it shall be lawful for such occupier to tender to the Corporation or their collector, or other person authorised by law to receive the same, the amount of any rate or rates then due from such owner in respect of such property, and the Corporation or their collector, or other person so authorised as aforesaid, shall be bound to receive the

same, and such occupier shall, on the payment or tender of such amount, be entitled to exercise all such privileges and franchises as herein-before mentioned: Provided always, that any occupier so paying any rate or rates in respect of any property where the owner is rated to the same shall be entitled to deduct and retain the amount so paid by him from the next payment of rent to be made by him to such owner, or to recover the same from such owner as money paid to and for the use of such owner.

Description of owner or occupier in rates if his name be unknown.

132. Whenever the name of any owner or occupier liable to be rated under this Act is not known to the Corporation after diligent inquiry it shall be sufficient to assess and designate him in the rate as "the owner" or "the occupier" of the premises in respect of which the assessment is made, without further description.

Annual value of property rated to be the same as that for poor rate.

133. Save as herein-after provided, the net annual value of any property rateable under this Act shall be the net annual value thereof, as stated in the then next preceding assessment for the relief of the poor within the borough.

Power to council to inspect parish rate books.

134. The council may cause all or any of the rate books or assessments of rates for the relief of the poor within the borough to be produced before them, and may cause a copy thereof or of any part thereof, to be taken without payment, and if any person in whose custody or power such books or assessments are, fails to attend the council therewith when required so to do, or to permit the council to cause a copy thereof, or of any part thereof to be taken, he shall be liable to a penalty for every such failure not exceeding fifty pounds.

Power to levy rates in respect of property not included in the poor rate.

135. If any property rateable under this Act shall be occupied or any building shall be erected and occupied within the borough after the rate shall have been made for the relief of the poor within the borough, and shall have been omitted from any such rate, the Corporation may cause a valuation to be made of the annual value of such buildings or lands respectively, and may cause the rates or assessments by this Act authorised to be made upon the owners or occupiers thereof respectively in the same manner as they could have done if such lands and buildings had been rated or assessed to the rate for the relief of the poor.

Corporation may make fresh rateable valuation of property.

136. If at any time the rate for the relief of the poor is in the judgment of the Corporation an unfair criterion by which to make any rates under this Act, they may cause a valuation to be made of all or any part of the rateable property within the borough by some competent person, and any rate under this Act shall as to the property comprised in such valuation be made upon such valuation.

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Valuer may enter and examine lands for purposes of valuation.

137. For the purpose of such valuation the person appointed by the Corporation for making the same, together with his assistants, may at any time between the hours of nine o'clock in the morning and five o'clock in the afternoon until such valuation be completed, enter, view, examine, survey, and admeasure all and every part of the property to be valued, and do any act or thing necessary for making such valuation, but any valuation made previously to the appointment of such valuer may, if tendered to him, and it be in his opinion a just and true valuation, be used or adopted by him.

Power to amend rates.

138. The Corporation may from time to time amend any rates by inserting therein the name of any person who ought to have been rated, or who since the making thereof has become liable to be rated, or by striking out the name of any person who ought not to have been rated, or by increasing or reducing the sum at which any person is rated, or by making such other alterations therein as will make such rate conformable to this Act, and no such alteration shall be held to vitiate the rate or render it less operative, but any person shall have the same right to appeal from any such amendment as he would have had if the matter of amendment had appeared in the rate originally made, and with respect to him the amended rate shall be considered to have been made at the time when he received notice of the amendment; and in the case of any person the amount of whose rate is increased by the amendment, or whose name is newly inserted as aforesaid, the rate shall not be payable by him until seven days after notice of amendment given to him.

Persons aggrieved by inequality of rate may apply to council.

139. If any person thinks himself aggrieved by any rate on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, he may, if he shall think fit, at any meeting of the council held at any time within six weeks after the publication of the rate, on giving three days notice to the Corporation, apply for relief to the council, and the council, if they think such person aggrieved, may give such relief as to them seems reasonable.

Period for appeal by railway company against rates.

140. 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 Corporation.

AS TO RECOVERY OF RATES.

Rates may be recovered by action or distress.

141. If any person fails to pay to the collector on demand the amount due by him in respect of any rate, the Corporation may recover the amount, with the costs and expenses, by proceeding in any court of competent jurisdiction, or any justice may, on the application of the Corporation, summon such person to appear before him or any other justice at the time mentioned in the summons, to show cause why the rate due from him should not be paid, and in case sufficient cause for the nonpayment for such rate is not shown, the same, with such costs as to the justice seem reasonable, may be levied by distress, and such justice may issue his warrant accordingly: Provided always, that if sufficient distress cannot be found within the borough whereon to levy the said rate and costs, and it so appears upon oath before a justice of any other jurisdiction in which any goods or chattels of the defaulter may be, the last-mentioned justice shall endorse his signature upon the said warrant, and thereupon the amount to be levied, or so much thereof as is unsatisfied, shall be levied off the last-mentioned goods and chattels as if the defaulter had been assessed in the last-mentioned county or jurisdiction.

Rates due from owner may be recovered from occupier.

142. If the amount due by any owner of property in respect of any rate is not paid by him within three months after it becomes due, the Corporation, subject to the provisions in that behalf hereinafter contained, may recover that amount from the occupier for the time being of such property as if he had been originally liable to pay the same.

Rates made for a certain period to be apportioned.

143. When any rate is made for a particular period and the owner or occupier rated ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, he shall only be liable to pay the proportion of the rate for the time during which he continued owner or occupier, and the Corporation shall repay him the excess of any rate he may have paid, having regard to his occupation, and if any other person becomes the owner or occupier of the property during any part of such period, such person shall only be liable to pay the proportion of the rate for the time during which he holds or occupies the property, and the same may be recovered from him as if he had been originally rated.

Recovery of rates from persons removing.

144. In case any person quits or is about to quit any rated property before he has paid all rates due from him, and fails to pay the same on demand, the collector or any constable may, by warrant under the hand of a justice (which warrant any justice is hereby authorised and required to grant, without issuing any

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previous summons to such person, upon proof to his satisfaction of such removal or intended removal, or that there is reason to suspect the same,) distrain the goods and chattels of such person, and sell the same, rendering the overplus (if any) after having deducted the reasonable expenses attending such distress and sale, together with the rates so due, to the owner of such goods and chattels upon demand.

Recovery of rates and rents for the supply of gas.

145. The provisions of this Act with respect to the recovery of rates shall extend and apply to all rents and other charges for the supply of gas as if those rents and charges were rates leviable under this Act.

Discount on rates.

146. The Corporation may from time to time, if they think fit, make an allowance by way of discount not exceeding the rate of five per cent. on the amount due in respect of rates from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf.

Rate books to be evidence.

147. The books of the Corporation shall be received as evidence of rates made by the authority of this Act.

AS TO BORROWING MONEY.

Power to borrow money.

148. The Corporation may from time to time, in addition to any existing mortgage debt of the Corporation, borrow at interest on the security of the estates and property of the Corporation and the rates authorised to be raised and levied for the purposes of this Act, and the borough fund and borough rate, any sum not exceeding in the whole one hundred and thirty-five thousand pounds, and may mortgage such estates, property, and rates, and the borough fund and borough rate, to secure repayment thereof with interest accordingly.

Application of money borrowed.

149. The money so borrowed by the Corporation shall be applied for the following purposes, and in the following order:

1. In discharging the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act as the Corporation shall determine:
2. In enlarging the cemetery out of moneys to be raised on the credit of the cemetery rate, five thousand pounds:
3. In erecting the sewerage works out of moneys to be raised on the credit of the paving and highway rate, ten thousand pounds:
4. And in carrying out the other improvements by this Act authorised out of moneys to be raised on the credit of the improvement rate for street improvements, and the extension of the promenade, thirty thousand pounds; and for the gas-

works, markets, town hall, park, and slaughter-houses, ninety thousand pounds.

Protection to lenders from inquiry as to application of money.

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

Money borrowed to be applied for authorised purposes.

151. All money borrowed by the Corporation under this Act shall be carried to separate accounts, and shall be applied for the purposes for which it is by this Act expressly authorised to be borrowed.

Power to re-borrow.

152. If the Corporation pay off any part of any money borrowed by them under this Act, or by the Commissioners under any former Act, and remaining owing on the commencement of this Act, otherwise than by means of a sinking fund, they may re-borrow the same, and so from time to time, but nothing herein contained shall enable the Corporation to re-borrow any money paid off by means of a sinking fund.

Priority of existing mortgages of Corporation.

153. All mortgages and bonds granted by the Corporation or by the Commissioners in pursuance of the powers of any Act of Parliament, and subsisting at the passing of this Act, shall, during the continuance of such mortgages and bonds, have priority over any mortgages to be granted by virtue of this Act.

Certain provisions as to repayment of moneys borrowed by Commissioners.

154. Such of the provisions herein contained with respect to the repayment of money borrowed on mortgages made under this Act as are applicable to the repayment of moneys borrowed by the Commissioners shall apply thereto, mutatis mutandis.

Regulations as to mortgages.

155. With respect to mortgages made under this Act, the following provisions shall take effect; namely,

(1.) Every mortgage shall be by deed duly stamped and truly stating the consideration:

(2.) The mortgagees and their respective representatives and assigns shall, in proportion to the sums secured, be creditors on the property mortgaged to them respectively equally one with another without preference by reason of priority of date or otherwise:

(3.) A register of the mortgages shall be kept by the town clerk, and within fourteen days after the date of each mortgage an entry of the number and date thereof, and the name of the parties thereto, with their additions, shall be made in the register, which may be perused at all reasonable times by any person interested in any mortgage, without payment.

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Transfer of mortgages.

156. With respect to transfer of mortgages made under this Act, the following provisions shall take effect; namely,

(1.) Any person entitled to a mortgage may transfer his interest therein to any other person by deed duly stamped and truly stating the consideration:

(2.) Within thirty days after the date of every such deed of transfer, it shall be produced to the town clerk, who shall cause an entry thereof to be made in a registry of transfers of mortgages on payment of a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having made such a transfer shall not have power to release or discharge the mortgage transferred, or any money thereby secured.

Repayment of money borrowed on mortgage.

157. With respect to the repayment of money borrowed on mortgages made under this Act, the following provisions shall take effect; namely,

(1.) The Corporation may, if they think proper, fix a period for such repayment, and in that case they shall cause such period to be inserted in the mortgage, and on the expiration thereof the principal sum, with the interest accrued thereon, shall on demand be paid to the person entitled to receive the same, and if a place of payment is not inserted in the deed the payment shall be made at the offices of the Corporation:

(2.) If a time is not fixed in the mortgage deed for such repayment, the person entitled to receive such money may, at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured and interest, on giving six months previous notice for that purpose, and in the like case the Corporation may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by the Corporation shall be given personally to the person entitled as aforesaid, or left at his residence, or if he is unknown to the Corporation, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the London Gazette:

(3.) If the Corporation give notice of their intention to pay off any mortgage at a time when the same may be lawfully paid off by them, then at the expiration of such notice all

further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Corporation fail to pay the principal and interest due at the expiration of the notice:

(4.) In order to discharge the principal money borrowed under this Act, the Corporation shall, after the expiration of five years from the commencement of this Act, either pay off the respective moneys borrowed by annual instalments or otherwise within seventy years, reckoned from such five years, or shall every year appropriate out of the borough fund a sum equal to one seventieth part of the total sums borrowed for a sinking fund, to be from time to time invested in the purchase of exchequer bills or other Government securities, and to be increased by accumulation in the way of compound interest or otherwise until the same is of sufficient amount to pay off the principal debts or some part thereof which the Corporation think ought then to be paid off, at which time the same shall be so applied in paying off the same:

(5.) Whenever the Corporation are enabled to pay off one or more of the mortgages payable, but are not able to pay off the whole of the same class, they shall decide by lot the order of payment among that class, and shall cause a notice signed by the town clerk to be given to the persons entitled to the money to be paid off according to such decision, and the notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place therein named at the expiration of six months from the date of such notice.

Coupons for interest on mortgage.

158. The Corporation may from time to time if they think fit, issue to holders of mortgages of the Corporation coupons for the interest from time to time to fall due on the respective mortgages, which coupons may be in such form as the Corporation from time to time think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half-year's interest to fall due on the principal money secured by the mortgage, and be authenticated by the signatures of two persons thereunto expressly authorised by the Corporation (which authorisation shall be presumed until the contrary is shown).

Payment of coupons.

159. On presentation to the treasurer of the borough of any such coupon the treasurer shall pay to the person so presenting the coupon the amount of interest therein expressed and appearing by

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the coupon to be then due and payable, and on the audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for the payment by him of the amount for which the coupon was issued.

For indemnity of treasurer.

160. Provided that the treasurer shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.

Power to mortgagees to obtain a receiver.

161. With respect to a receiver, the following provisions shall take effect; namely,

(1.) If within thirty days after the interest accruing upon any mortgage made under any of the before-mentioned Acts for the improvement of the town of Southport, or this Act, has become payable, and after demand thereof in writing, the same is not paid, the mortgagee may (without prejudice to his right to sue for the same) require the appointment of a receiver:

(2.) If within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same is not paid, with all interest due in respect thereof, the mortgagee (without prejudice to his right to sue for such principal money and interest) may, if his debt amounts to one tenth of the whole amount for the time being due on mortgages made under this Act alone, or if his debt does not amount to the said one tenth, then, in conjunction with other mortgagees whose debts being so in arrear after demand as aforesaid, together with his amount to the said one tenth, require the appointment of a receiver:

(3.) Every application for such a receiver shall be made to two justices, who may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the income producing the fund upon which such mortgage is secured, until such interest, or until such principal and interest (as the case may be), with all costs (including the charges of receiving the income), be fully paid, and thenceforth all such income or such part thereof as the justices order shall be paid to the receiver so appointed, and the money so paid shall be so much money received to the use of the person on whose behalf the receiver is appointed, and after such interest and costs, or such principal, interest, and costs have been fully paid, the powers of the receiver shall cease.

Accounts open to mortgagees.

162. The books of account of the Corporation shall be open at all reasonable times to the inspection of the mortgagees of the Corporation, with liberty to take extracts therefrom, without payment.

AS TO EXECUTION OF WORKS.

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

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

Power to enter and inspect.

164. The Corporation by their officers and servants may at all reasonable times in the daytime, and after twenty-four hours notice to the occupier of the premises, or if there is no occupier to the owner, from time to time enter upon any lands for the purpose of inspecting any works or buildings in progress of construction or alteration, or of making such examination as may be necessary to ascertain whether the provisions of this Act or of any byelaw thereunder have been complied with, or of carrying into execution any of the powers contained in this Act, or in any such byelaw, without being deemed trespassers or liable to any action, indictment, or other proceeding on account thereof.

Penalty on occupiers opposing execution of Act.

165. In case the occupier of any building or lands prevents the owner thereof from carrying into effect in respect thereof any of the provisions of this Act, or of any byelaws thereunder, then after notice of this provision given by the owner to the occupier, any justice upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute all such works with respect to such building or lands as may be necessary for carrying into effect the provisions of this Act, or of any such byelaw, and if after the expiration of ten days from the service of such order the occupier continues to refuse to permit the owner to execute any such

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work, he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds, and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

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

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

AS TO RECOVERY OF NEW STREET AND OTHER EXPENSES.

Recovery of new street expenses from owners and others.

167. All new street expenses and all other expenses by this Act, or any byelaw thereunder, made payable by or recoverable from the owner of any building or lands, or from the occupier of any building or lands, or from any other person, shall, if not paid on demand, be recoverable by the Corporation, with interest thereon from the expiration of one month after such demand at a rate to be determined by the Corporation not exceeding five pounds per centum per annum, either as a debt from such owner or from such occupier, or from such other person (as the case may be) in any court of competent jurisdiction, or after summons by distress and sale of the goods and chattels of such owner or of such occupier or of such other person (as the case may be), and any justice may issue his warrant accordingly: Provided always, that no owner or occupier of land shall pay any interest on expenses or on commission on expenses incurred by the Corporation previously to a street being built upon under the powers contained in the concluding proviso of section 77 of the Act of 1865, and in section 61 of this Act, for paving, flagging, levelling, draining, sewering, metalling, or macadamizing such street until a house or houses is or are erected in such street, and then such owner shall pay such expenses and commission (but without interest) as are mentioned in the said section 77 of the Act of 1865, and sections 61 and 62 of this Act.

Interest on such expenses not to be paid in certain cases.

Exemption from payment of new street expenses.

168. No incumbent or incumbents or trustee or trustees of any church or chapel, church or chapel yard, or burial ground within the said borough shall be charged with or be subject to new street expenses in respect of such church or chapel, but such expenses

shall be levied along with and form part of the general highway rate, and be paid thereout.

Saving for special contracts as to expenses of works.

169. Nothing in this Act shall alter the liabilities respecting the payment of any expenses made payable or recoverable by this Act, or any byelaw thereunder, of any owner and occupier as between themselves under any special contract relative thereto.

Power to allow time for repayment of new street expenses, &c.

170. When any new street or other expenses are to be repaid by the owners or occupiers of buildings or lands, and have become due and payable, the Corporation may by resolution allow to the owners or occupiers, or any of them, time for the repayment thereof, or any part thereof, and may order the same or any part thereof to be repaid either in one sum or by such instalments as the Corporation think fit, with interest for the principal money from time to time remaining unpaid after such rate as the Corporation determine, but all sums remaining due, notwithstanding that the Corporation agree so to allow time, shall from time to time at the expiration of the several times allowed be recoverable from the respective owners and occupiers for the time being both present and future in succession one after another as the same would have been recoverable from the original owner or occupier if no such time had been allowed, and with respect to any such instalment the time limited by this Act or otherwise for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due.

New street expenses to be a first charge on buildings and lands.

171. All new street expenses by this Act, or any byelaw thereunder, made payable by or recoverable from the owner of any building or lands, with such interest thereon as by this Act or any such byelaw is provided for, shall be a charge on such building or lands in priority to any incumbrance or charge on or affecting the same.

Persons having partial interests may raise expenses by mortgage.

172. All owners of buildings or lands being tenants for life only, and all committees of lunatics, and all trustees seised, possessed of, or entitled to any estate or interest either at law or in equity, in any buildings or lands for or on behalf of any person or charity, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any new street or other expenses which the owners of such buildings or lands for the time being are liable to pay, and the expenses of making such charge, and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum.

Sinking fund to be created in that case.

173. In every such case every such tenant for life, or other the owner of such buildings or lands for the time being, and all such committees or trustees, shall, out of the rents and profits to arise

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from such buildings or lands, set apart every year during the period of twenty-one years, to be computed from the date of such mortgage, such annual sum of money as will be sufficient by the accumulation thereof in the way of compound interest, after the rate of three pounds per centum per annum during such period, to repay at the end of such period of twenty-one years the sum so secured, and shall annually invest the sum set apart in some or one of the parliamentary stocks or public funds of Great Britain, or at interest upon Government or real securities in England or Wales, and annually lay out the income of such investments upon the like investments, so that the said annual sum and investments, and the resulting income thereof shall, during the aforesaid period of twenty-one years, accumulate in the way of compound interest, and at the expiration of the said period the money so accumulated shall be applied by such tenant for life or other the owner of such buildings or lands for the time being, and by all such committees and trustees, in payment of the principal sum so borrowed on mortgage.

Power for mortgagee in possession to recover money paid, &c.

174. Where any house or ground is in possession of any mortgagee, or other person having any charge or incumbrance thereon, and such mortgagee or other person is required to pay and pays any money in respect thereof, for sewering, draining, levelling, kerbing, paving, metalling, or making good any street pursuant to any order, notice, or requirement of the Corporation, such money shall be a charge as principal money on the said house or ground, and such mortgagee or other person shall be entitled to interest thereon, and shall have and may exercise the same powers and remedies for the recovery thereof, and interest, as for recovery of money secured by his mortgage, charge, or incumbrance.

Same rules to apply as to works previous to Act.

175. With respect to any new street or work begun or executed by the Corporation or the Commissioners before the commencement of this Act, the provisions of this Act relative to new street and other expenses shall apply in every such case as if such new street or work was begun after the commencement of this Act, and all notices given and proceedings taken before the commencement of this Act, with a view to the beginning or execution of any such street or work, or to the recovery of the expenses thereof, shall be as effectual to all intents as if the same had been given or taken in accordance with the provisions of this Act; and all such notices and proceedings may, after the commencement of this Act, be acted on and continued as if they had been given and taken under this Act.

For protection of the Reverend

176. Notwithstanding any of the clauses or provisions contained in this Act, or anything shown, specified, or stated in the deposited

plans and sections and book of reference therein referred to, the following provisions shall have effect; (that is to say,)

(1.) The Corporation shall only extend the promenade as far as the south-west end (and not as far as the north-east end) of the Hesketh Park, namely, six hundred and eighty yards from Seabank Road in a north-easterly direction, and thence in a curve and terminating in Park Road, and for that purpose shall only purchase and enter upon and take so much or such portion of the lands and foreshores described in the deposited plans and sections as shall be required, and erect on such portion the works (mentioned in section 21 of this Act) required for such reduced extension of the promenade, and which shall be completed agreeably to the deposited sections within ten years from the commencement of this Act:

(2.) The Corporation shall not, nor shall any purchaser or other person deriving title under the Corporation, erect or suffer to be erected any buildings whatever on the embankment or foreshore, raised on or lying to the north-easterly or seaward side of so much of the intended new north promenade as will extend from the point where the said promenade will begin to curve round towards the Park Road to the point where it meets the Park Road, and shall not erect or suffer to be erected any buildings other than detached or semi-detached private residences or lodging-houses, of not less cost than one thousand pounds each, on any part of the foreshore land fronting the north-westerly continuation of Park Road, or Leyland Road, or Alexandra Road, or on the land which will adjoin the promenade intended to be made in and through the foreshore land and have a frontage to the sea, and the depth of the building plots fronting Park Road, Leyland Road, and Alexandra Road respectively, or adjoining the promenade as aforesaid, shall not be less than sixty yards, and the Corporation shall not, nor shall any purchaser or other person deriving title under the Corporation, erect or suffer to be erected on any portion of the foreshore land, private houses of less value than five hundred pounds each, and the Corporation shall not, nor shall any purchaser or other person deriving title under the Corporation, lease or sell any of the said lands for any other purpose than for detached or semi-detached private residences or lodging-houses of the respective values aforesaid, and shall comply with the previous sections and provisions in this Act as regards dwelling-houses and new streets.

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AS TO SETTLEMENT OF DISPUTES TOUCHING COMPENSATION, &c.

Settlement of disputes as to compensation, &c. not otherwise provided for.

177. Where any compensation, damages, costs, charges, or expenses is or are by this Act directed to be paid, and the method of ascertaining the amount thereof is not provided for, such amount shall, in case of dispute, be ascertained and determined as provided by "The Lands Clauses Consolidation Act, 1845," for settling cases of disputed compensation.

For settlement of differences between the Corporation and the local board.

178. Any difference which may arise under any of the provisions herein-before contained between the Corporation and the local board shall be from time to time settled by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Repeal of s. 92. of 8 Vict. c. 18.

179. Whereas the lands required for the improvements next herein-after mentioned consist partly of forecourts or open spaces in front of houses and partly of public highways, and the respective rights therein of the owners of the soil, the owners, lessees, and occupiers of such houses, and the Corporation as the highway authority within the borough, are at present unascertained, and the determination thereof would lead to protracted litigation: Notwithstanding section 92 of "The Lands Clauses Consolidation Act, 1845," the owners, lessees, and occupiers of the premises comprised in the improvements sixthly and seventhly described in the widening of streets, authorised by section 20 of this Act, may be required to sell and convey to the Corporation the part only of the premises required for those improvements, where for the purposes of the improvements the Corporation take land lying in front of a house without taking or interfering with any part of the walls of the house, the Corporation paying for the part so required and compensation for damage sustained by the owners, lessees, and occupiers by reason of the execution of the works.

AS TO ARBITRATION.

Mode of arbitration.

180. For the determining of any question by this Act directed to be referred to arbitration, the sections numbered 25 to 37 (both inclusive) of "The Lands Clauses Consolidation Act, 1845," (incorporated by this Act) shall apply.

AS TO APPEAL TO QUARTER SESSIONS.

Appeal in case of summary conviction against orders of justices, or against rates.

181. In any of the following cases; namely,

(1.) Where on any summary conviction or adjudication under this Act in respect of an offence punishable by pecuniary penalty or by imprisonment, the penalty adjudged to be

paid (inclusive of any costs) exceeds forty shillings, or the term of imprisonment adjudged exceeds one month, or the conviction or adjudication is had before or made by one justice only;

(2.) When any adjudication under this Act other than such an adjudication as aforesaid, or any order or determination under this Act, is made by any justice or justices or any order or determination is made by the council;

(3.) Where any rate is made by the council, but in cases where application for relief is authorised to be made to the council, then only after such application;

any person who thinks himself aggrieved by any such conviction, adjudication, order, or determination, or by any rate or anything included in or omitted from any rate, may appeal to the next court of quarter sessions, holden not less than twenty-one days after the day whereon such conviction, adjudication, order, determination, or rate is made, subject and according to the following provisions; (that is to say,)

(1.) Within seven days after the last-mentioned day and twelve clear days at least before such sessions the appellant shall give notice in writing of the appeal and of the matter and ground thereof to the complainant or the party in whose favour the adjudication, order, or determination is made, or whose interest is immediately affected thereby, as the case may be, and also (in case such appeal be against a rate) to the council:

(2.) Within three days after giving such notice the appellant shall enter into a recognizance, with two sufficient sureties, before a justice, in such sum as the justice thinks fit, conditioned to try the appeal and abide the judgment of the court thereon, and pay any costs awarded by the court, and in case he is in custody to appear personally at the sessions: or

(3.) Where the appeal is against a conviction imposing only a pecuniary penalty, or against an adjudication for the payment of money, the appellant may deposit with the clerk of the justice before or by whom the conviction or adjudication is had or made, such sum of money as the justice thinks sufficient to cover the amount of the penalty or money adjudged to be paid, with the costs of the conviction or adjudication and of the appeal:

(4.) On such notice being given and such recognizance being entered into, or such deposit being made, the appellant shall be liberated if in custody:

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(5.) The court of quarter sessions, on proof of such notice and recognizance or deposit, may in a summary way hear and determine the appeal, or (if they think fit) adjourn the hearing thereof to a subsequent session:

(6.) The court by their order on the appeal may affirm or quash the conviction, adjudication, order, or determination appealed against, or may mitigate any forfeiture or penalty, or may order any money paid or levied to be returned, or may dismiss the appeal, or make such other order therein, with or without costs to either party, as seem just, and may (if necessary) issue process for enforcing their judgment:

(7.) Where any such deposit as aforesaid is made and the conviction or adjudication is affirmed or the appeal is dismissed, the court may order the amount of the penalty or money adjudged to be paid, together with the costs of the conviction or adjudication and of the appeal, to be paid out of the deposit, and the residue thereof (if any) to be returned to the appellant, and in any other case shall order the deposit to be returned to the appellant:

(8.) Where on appeal a conviction is quashed the proper officer shall forthwith endorse on the conviction a memorandum that it has been so quashed, and whenever any copy or certificate of such conviction is made, a copy of the memorandum shall be added thereto, which shall be sufficient evidence of the conviction having been quashed in all cases where a copy or certificate would be sufficient evidence of the conviction:

(9.) In any appeal against a rate, the court by their order may affirm the rate, or may amend the rate, or may give relief to any person rated by inserting therein, or striking out therefrom, any name or altering any sum therein without quashing the rate, or may quash the rate and order a new rate to be made, and in any such appeal the court shall have the like power of awarding costs to be paid by or to any party, and of compelling payment thereof as they for the time being have for awarding and compelling payment of costs in an appeal against a rate for the relief of the poor:

Provided always, that (except in the case of rates and assessments for rates) for the purposes of this section, an order or determination of the council shall be considered to have been made on the day whereon notice thereof is given to the person who may appeal therefrom.

Appeal provisions to apply to Corporation.

182. The foregoing provisions relative to appeal shall extend and apply to the Corporation when they think themselves aggrieved by any such conviction, adjudication, order, or determination as aforesaid under this Act, and shall extend and apply to the Corporation when appellants, save only that it shall not be requisite for the Corporation to enter into any recognizance or make any deposit of money.

MISCELLANEOUS PROVISIONS TOUCHING LEGAL PROCEEDINGS, &c.

Provisions of 11 & 12 Vict. c. 43. applicable to this Act.

183. Except as by this Act provided, all the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty (chapter 43) "to facilitate the performance of the duties of the "justices of the peace out of sessions within England and Wales "with respect to summary convictions and orders," and of any Act for the time being in force, amending or substituted for the same, relating to proceedings for the recovery of penalties by summary conviction, and to appeals against such convictions, and the levying and enforcing of penalties, and all subsequent proceedings which may be taken on nonpayment thereof or in default of distress, including the commitment to prison of the defaulter, and enforcing payment of sums of money ordered or awarded to be paid by justices, and the costs of such proceedings, shall be applied and put in force in relation to penalties by this Act imposed.

Power to order prosecutions, &c.

184. The Corporation may direct any prosecution or proceeding against any person for any offence against this Act or any matter arising under this Act.

Punishment of abettors, &c.

185. Where the doing of any act or thing is made punishable by this Act, or by any byelaw thereunder, the causing, procuring, aiding, abetting, or wilfully permitting or suffering any act or thing to be done shall be punishable in like manner if the nature of the case permits, and if an intention to the contrary does not appear in this Act.

Penalties on repetition of offences.

186. Where by this Act any pecuniary penalty or other punishment is imposed in respect of any offence described in this Act, then and in every such case, if the nature of the case permits and if an intention to the contrary does not appear in this Act, such penalty or punishment may be inflicted for every repetition of such offence.

Proceedings when offender refuses to state his name.

187. If any person charged with any offence against this Act, or any byelaw thereunder, refuses to disclose his name, all the necessary proceedings may be had and carried on against him for the recovery of any penalty, forfeiture, or damage imposed or incurred

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by the description of his person and of the offence committed, without stating his name, or if one only of his names is known, all such necessary proceedings may be had and carried on against him by such name only.

Evidence of previous conviction.

188. The justice before whom any person is convicted of any offence may transmit the conviction to the next court of quarter sessions, there to be kept by the proper officers amongst the records of the court, and on the prosecution of any person for any subsequent offence a copy of such conviction certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction to the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Damages and charges in cases of dispute to be settled by justices.

189. Where any damages or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned, the amount of such damages or charges in case of dispute respecting the same may be settled and determined by the justice before whom any offender is convicted, and may be levied by distress.

Saving for indictments, &c.

190. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings, or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act.

Application of penalties.

191. The justice or justices by whom any penalty is imposed under this Act, or any other Act in force within the borough, and whether the penalty is for any damage to the Corporation or not, shall, except where such penalty is imposed on the Corporation, award the whole thereof to be paid to the Corporation.

Application of penalties inflicted on Corporation.

192. Where any penalty or forfeiture is inflicted on the Corporation, the amount thereof shall (except where otherwise provided or ordered by the justice or justices before whom the same is recovered to be paid to the informer) be paid to the overseers of the poor of the township in which the offence is committed for which the penalty is inflicted, or in which the forfeiture arises, or in moieties to such overseers and to the informer, at the discretion of such justice.

Warrant of commitment not to be void from defect, &c.

193. A warrant of commitment on any conviction shall not be held void by reason of any defect therein, if it be therein alleged that the person therein named has been convicted, and there be a good conviction to sustain the same.

Proceedings not to be quashed for want of form, or removed by certiorari.

194. Any order, verdict, rate, assessment, judgment, conviction, or any proceeding touching or concerning any offence against this Act, or against any byelaw thereunder, shall not be quashed or vacated for want of form only, or be removable by certiorari or otherwise into any of the superior courts.

Justices, &c. not disqualified from acting.

195. Except as expressly otherwise provided, any person shall not be disqualified or disabled to act as justice of the peace, coroner, juror, or otherwise in any matter arising under or in relation to this Act, by reason of his being a ratepayer in the borough, or liable to any payments under this Act, or a member of the council, or of any committee thereof.

Penalty on occupier refusing to give name of owner.

196. If, on request made on behalf of the Corporation, the occupier of any property refuses or wilfully omits to disclose, or wilfully mis-states the name of the owner of such property, any justice may summon such occupier to appear at the time and place mentioned in such summons before such justice, or before some other justice, and if such occupier refuses or neglects to attend at the time and place mentioned in the summons, or if he attends and does not show good cause or excuse to the justice for his refusal, omission, or mis-statement, such justice may, on proof (in case of the neglect or refusal to attend as aforesaid) of the due service of the summons, or on such attendance, impose a penalty upon such occupier not exceeding five pounds.

Regulations as to distress.

197. With respect to distress, the following provisions shall take effect; (namely,)

(1.) Any number of names and sums may be included in any warrant of distress obtained by the Corporation for any of the purposes of this Act, and may be stated either in the body of the warrant or in a schedule thereto:

(2.) Any justice who issues a warrant of distress may order that the costs of the proceedings for the recovery of the sum or sums for which the distress is ordered be paid by the person or persons liable to pay such sum or sums, and such costs shall be ascertained, and where there are more persons than one shall be apportioned by the justice, and shall be included in the warrant of distress for the recovery of such sum or sums:

(3.) Every constable shall upon being required by a collector or other officer of the Corporation aid in making a distress or sale pursuant to any such warrant, and in default of so doing shall be liable to a penalty not exceeding five pounds:

(4.) Any distress under this Act shall not be deemed unlawful, nor shall the party making the same be deemed a trespasser,

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on the ground of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any subsequent irregularity in the prosecuting of such distress.

Notice of action.

198. No writ or process shall be sued out against the Corporation or any member thereof, or the treasurer, town clerk, surveyor, inspector of nuisances, or other officer or person whomsoever acting under the direction of the Corporation, for anything done or intended to be done under the provisions of this Act until the expiration of one month next after notice in writing shall have been delivered to him or left at their or his office or usual place of abode, clearly and explicitly stating the cause of the action and the name and place of abode of the intended plaintiff and of his attorney or agent in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the last-mentioned notice, and unless such notice be proved the jury shall find for the defendant, and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards, and shall be laid or tried in the county or place where the cause of action occurred, and not elsewhere, and the defendant shall be at liberty to plead the general issue and give this Act and all special matter in evidence thereunder; and any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and in case the same be not accepted may plead such tender in bar and (by leave of the court) with the general issue or other plea or pleas, and if upon issue joined upon any plea pleaded to the whole action the jury find generally for the defendant, or if the plaintiff be nonsuited or discontinues, or if judgment be given for the defendant, then the defendant shall be entitled to full costs of suit and have judgment accordingly; and in case amends have not been tendered as aforesaid, or in case the amends tendered be insufficient, the defendant may, by leave of the court at any time before trial, pay into court under plea such sum of money as he thinks proper, and (by the like leave) may plead the general issue or other plea or pleas, any rule of court or practice to the contrary notwithstanding.

Limitations of actions.

Tender of amends, &c.

Money to be paid into court.

Proof of debt in bankruptcy.

199. If any person against whom the Corporation have any claim or demand becomes bankrupt, the town clerk in all proceedings in relation to the estate of such bankrupt may represent the Corporation and act in their behalf in all respects as if such claim or demand

had been the claim or demand of the town clerk and not of the Corporation. A.D. 1871.

GENERAL PROVISIONS AS TO BYELAWS.

Regulations as to byelaws.

200. With respect to byelaws to be made by the Corporation under this Act, the following provisions shall take effect; (namely,)

(1.) Nothing in this Act shall authorise the Corporation to make any byelaw repugnant to law or to this Act:

(2.) All byelaws shall be reduced into writing and be under the common seal of the Corporation:

(3.) The Corporation may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, so that all byelaws be so framed as to allow of part only of the maximum penalty being inflicted:

(4.) Penalties under byelaws shall be recoverable as penalties under this Act are recoverable:

(5.) Any byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State (who may allow or disallow the same as he thinks proper), and any such byelaw shall not be allowed unless notice of intention to apply for allowance of the same is given by placards posted outside the town hall, not less than one month before the making of such application, and shall be advertised in some newspaper circulating within the borough four times during each month, and once in the "London Gazette," and for one month at least before such application a copy of the proposed byelaw shall be kept at the office of the town clerk and be open, during office hours thereat, to the inspection of the ratepayers of the borough without payment, and the town clerk shall furnish a copy thereof, or of any part thereof, to every ratepayer applying for the same, on payment of sixpence for every hundred words in such copy, or if the proposed byelaw has been printed by the Corporation, then at such reasonable price not exceeding twopence for each copy as the Corporation direct:

(6.) All byelaws, when allowed, shall be printed with the date at which they are made, and the town clerk shall keep a printed copy thereof at his office, and all persons may at all reasonable times inspect such copy without payment, and the Corporation shall cause to be delivered a printed copy, signed by the town clerk, of all byelaws for the time being in force to every person applying for the same, on

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payment by him of any sum not exceeding sixpence for every such copy, and a printed copy, signed by the town clerk, of the byelaws for the time being in force relative to any particular subject to every person applying for the same, on payment by him of any sum not exceeding threepence for every such copy:

(7.) Proper extracts from the byelaws painted or placed on boards may be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Corporation think fit:

(8.) A printed copy of byelaws, purporting to be allowed as aforesaid and to be signed by the town clerk, shall be primâ facie evidence of the existence and of the due making and allowance of such byelaws without proof of the signature of the town clerk.

AS TO NOTICES AND THEIR SERVICE.

Form and service of notices, &c. by Corporation.

201. Any notice, order, resolution, declaration, requisition, demand, or other instrument made, given, delivered, or served under this or any other Act, or any byelaw, by the Corporation, may be either in print or in writing, or partly in print and partly in writing, and shall be sufficiently authenticated by the name of the town clerk or of the surveyor or other proper officer according to the subject of the particular document, being affixed thereto in print or writing on behalf of the Corporation, and it shall be sufficient in all cases where any such notice, order, resolution, declaration, requisition, demand, or other instrument is required to be given to or served upon the owner or occupier of any property, to address such notice, order, resolution, declaration, requisition, demand, or other instrument to such owner or occupier by his description as owner or occupier (as the case may be) of the property (naming it) in respect of which the notice, order, resolution, declaration, requisition, demand, or other instrument is given or served, without further name or description, and any such notice, order, resolution, declaration, requisition, demand, or other instrument may be served upon any owner, occupier, or other person either personally or by sending the same through the post in a registered letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the building, in respect of which such notice, order, resolution, declaration, requisition, demand, or instrument is given or served, or if the building is unoccupied and the place of abode of the person to be served is after due inquiry unknown, it shall be sufficient to affix

such notice, order, resolution, declaration, requisition, demand, or instrument, or a copy thereof upon some conspicuous part of such building.

Service of notice upon Corporation.

202. Any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk, or by being sent through the post in a registered letter directed to the town clerk, in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

AS TO CONTINUING AND APPOINTING OF OFFICERS, &c.

Continuance of and power to appoint officers and servants.

203. All the officers and servants of the Corporation in office at the passing of this Act shall continue to be the officers and servants of the Corporation according to the nature and tenure of their appointments and employments respectively, and the Corporation may from time to time appoint such officers and servants for the execution of this Act, and if they think fit take such security for the performance of their duties as the Corporation think proper, and the Corporation may from time to time remove or suspend any of such officers and servants as the Corporation see occasion, and pay and make such salaries, wages, and other allowances to them and to any person assisting the Corporation in the execution of this Act as the Corporation think reasonable, and mutatis mutandis all such officers and servants shall be accountable to the Corporation, and the Corporation shall have the like remedies against them in relation to accounts, vouchers, bills, payments, books, papers, and writings, as if they had been appointed by virtue and for the purposes of the Municipal Corporation Acts.

Penalty on officer or servant taking unauthorised fees.

204. If any such officer or servant demands or takes on account of anything done by virtue of his office, or for forbearing to do anything that ought to be so done, or on any other account relative to his duty, any fee or reward whatsoever other than the salary or allowance allowed by the Corporation, or is in anywise concerned or interested in any bargain or contract made by the Corporation, he shall be liable to a penalty not exceeding fifty pounds.

Books and papers, &c. of Corporation, on death or bankruptcy of officers, &c., not to pass to representatives, &c.

205. In case of the death of any officer or servant of the Corporation, or of his becoming bankrupt before he has delivered up all books, papers, writings, accounts, plans, and other documents and things concerning his office or employment or relating to the execution of this Act, or the property of the Corporation, no interest whatever in such books, papers, writings, accounts, plans, or other documents and things, or any of them, shall pass to or vest in his representatives or assigns, as the case may be.

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MISCELLANEOUS.

Extent to which occupier liable in default of owner.

206. Where under the provisions of this Act any money is in default of payment thereof by the owner of any building or lands recoverable from the occupier thereof, the occupier, whether demand be made upon the owner by the Corporation in the first instance or not, shall be liable from time to time to the extent of the amount of the rent for the time being due from him to such owner, or of the proportion of rent in respect of any current period (the burden of proving which amount shall be on the occupier), but only as from the service on the occupier of a demand of payment of rent to the Corporation, and notice not to pay the same to the owner, and if any such occupier fail to pay on demand the money so payable by him, the same may be levied by distress, and any justice may issue his warrant accordingly, and every such occupier shall be entitled to deduct any money paid by him (together with all costs, charges, and expenses incurred by him in respect of the payment thereof to the Corporation, or in respect of the recovery thereof by the Corporation) out of the rent due or becoming due from him to such owner.

Corporation may make compensation for accidental damage.

207. In all cases where either from accident or failure of works under the control of the Corporation damage or loss is occasioned to any person, the Corporation may, where they think fit, make such reasonable compensation as to them seems just for such damage and loss, although such compensation may not be recoverable at law against them.

Demand of payment by Corporation or their officers.

208. Every demand by the Corporation of any money to be paid to them under this Act may be made by the collector or any other person from time to time authorised in that behalf by the Corporation.

Forms in schedule authorised.

209. The forms given in the schedule (F.) of this Act may be used for or in respect of the purposes therein indicated, with such variations and additions as circumstances may require.

Accounts of receipts, &c.

210. The provisions of the Municipal Corporation Acts relative to the keeping of accounts, and to the accounts kept of sums of money received and paid under those Acts, and to the auditing thereof, shall extend and apply to the keeping of accounts, and to the accounts kept of sums of money received and paid under this Act, and to the auditing thereof.

Saving rights of local board of Birkdale.

211. 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 Southport Pier Company.

212. Except only as in this Act expressly provided, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the estates, rights, powers, privileges, or authorities of "The Southport Pier Company, Limited."

Saving rights of lords of manor of North Meols.

213. Nothing contained in this Act or in any Act incorporated herewith, shall in any manner take away, alter, abridge, injure, prejudice, or otherwise affect any right, property, estate, or interest of whatsoever nature of, in, to, over, or in respect of the shore or bed of the sea, belonging to, or enjoyed or exerciseable by, or reputed to belong to, or to be enjoyed or exerciseable by William Hawkshead Talbot and Thomas Part, as trustees acting in execution of the trusts of the will of Charles Scarisbrick, Esquire, deceased, and the Reverend Charles Hesketh, Clerk, or any or either of them, in respect of, or incident or appurtenant to, the manor of North Meols in the county of Lancaster, or of, in, to, over, or in respect of any land, soil, tenements, or hereditaments, or any rights of what nature soever, belonging to, or enjoyed or exerciseable, or reputed to belong to, or to be enjoyed or exerciseable by the said William Hawkshead Talbot and Thomas Part, as such trustees as aforesaid, and the said Charles Hesketh, or any or either of them.

Saving rights of Lancashire and Yorkshire Railway Company.

214. Except only as is by this Act expressly provided, 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 Her Majesty.

215. Nothing in this Act shall prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in or enjoyed by the Queen's most Excellent Majesty, her heirs and successors, in right of her Crown.

Saving rights of Duchy of Lancaster.

216. Nothing contained in this Act shall authorise the Corporation to take, use, or in any manner interfere with any portion of the shore or bed of the sea, which belongs to or is reputed to belong to the Queen's most Excellent Majesty in right of her Duchy of Lancaster, or any right in respect thereof, or any land, soil, tenements, or hereditaments, or any rights of whatsoever nature, belonging to, or enjoyed or exerciseable by the Queen in right of her said Duchy, or reputed so to be, without the consent in writing of the Chancellor for the time being of the said Duchy on behalf of Her Majesty first had and obtained for that purpose, and nothing in the said Act contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority now or from time to time vested in, or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors, in right of the said Duchy.

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As to inspection, copies, and sale of special Act.

217. After the expiration of two months from the passing of this Act the Corporation shall always keep in the office of the town clerk a copy of the Act of 1865 and of this Act, printed by the printers to Her Majesty, or some of them, with an index thereto, and permit all inhabitants of the borough and all other persons interested, to inspect the same and make extracts or copies therefrom between the hours of ten and four every day except Sundays and holidays, and the Corporation shall also, at the request of any such inhabitant or person as aforesaid, sell to him at the said office a copy of either of the said Acts for a sum not exceeding the price charged for the same by the said printers, and if the Corporation shall fail to comply with any of the requirements of this section, they shall forfeit for every such offence a sum not exceeding five pounds.

Expenses of Act.

218. All the costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and passing of this Act shall be borne by the Corporation, and shall be paid by them out of the first moneys coming to their hands under the powers of this Act or of the Act of 1865.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Lands to be taken for Purposes of Gasworks.

A piece or parcel of land belonging or reputed to belong to the trustees of the late Charles Scarisbrick, Esquire, outside the present limits of the borough, and in the township and parish of North Meols and county of Lancaster, situate on the north side of Butt's Lane, extending 783 feet on the north and south sides respectively, and 284 feet on the east and west sides respectively, and containing in the whole five acres or thereabouts.

The boundary of the said piece or parcel of land commences in Butt's Lane, at a point 244 yards eastwards from the point at which Butt's Lane crosses Blowick Lane, at the present boundary of the borough, and runs on the north side of Butt's Lane from the said point eastward for 783 feet; from thence it runs at a right angle northwards for 284 feet, and thence again at a right angle westwards for 783 feet, and again at a right angle southwards for 284 feet through land of the aforesaid trustees, to the point first mentioned.

SCHEDULE (B.)

Lands to be taken for Purposes of Cemetery.

A piece of land bounding on the south-west, for a distance of 717 feet, by the existing cemetery at Southport; on the south-east, for a distance of 397 feet, by land belonging or reputed to belong to the trustees of the late Charles Scarisbrick, Esquire; on the north-east, for a distance of 713 feet, by other land belonging or reputed to belong to the aforesaid trustees; and on the north-west, for a distance of 366 feet, by Cemetery Road, and which piece of land contains by admeasurement 6 A. 1 R. 2 P.

SCHEDULE (C.)

Lands to be taken for Markets.

Certain lands and houses abutting on Chapel Street, and being Nos. 9, 11, 13, 13A, 15, 17, and 17A, in the said street, and certain other lands and houses abutting on Sharrock Street and between the two said streets, in the occupation of Alice Carr, Amos Rimmer, Hannah Lunt, John Lawton, James Farrer, Jeffrey Rimmer, Isaac Dean, Thomas Sawyer, John Mansion, James Livesay, Thomas Stirrup, and Richard Sharrock.

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Also a strip of land at the corner of Sharrock Street and the Toy Market in the occupation of Alexander Steel, junior.

And also a portion of land and houses in Dean's Court, in the occupation of James Cranshaw, David Ball, William Bibby, Richard Rimmer, and Joseph Nichols.

SCHEDULE (D.)

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 cartload 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 butcher's 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 frac-

	s.	d.
tional 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 and Skin Tolls.

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	1
For any person carrying or exposing for sale any provisions, vegetables, goods, articles, commodities, or things whatsoever in any market or		

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	s.	d.
market place, or place 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 - - - - -	0	6

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 twenty pounds avoirdupois - - - -	0	0½
For every article, matter, or thing of whatever description weighing more than twenty pounds avoirdupois, not exceeding two hundred and forty pounds - - - - - - - -	0	1
For every article, matter, or thing of whatever description weighing more than two hundred and forty pounds - - - - -	0	2
For measuring any quantity of goods, article, matter, or thing sold by measure, not exceeding one bushel - - - - -	0	0½
For measuring any 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 or 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 re-weighed for tare - -	0	1

SCHEDULE (E.)

SLAUGHTER-HOUSE TOLLS.

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

SCHEDULE (F.)

FORMS.

No. 1.

Form of Order for Sewering, Paving, &c.

Southport Improvement Act, 1871.

[ ] day of [ ] 18 .

It is resolved and ordered by the council of the borough of Southport that on or before the day of 18 the following streets [*A.* Street] [*B.* Street * be freed from obstruction, sewered, drained, levelled, flagged, paved [*or* macadamized], and otherwise completed * at such levels, with such inclinations, and with such sewers and drains of such dimensions as are shown on the plans and sections deposited in the office of the borough surveyor, and with the materials and in the manner herein-after specified; namely,

[*Here specify nature of materials.*]

[*J.P.*] Town Clerk.

* If the order is for sewering, draining, and levelling only, omit the words between the asterisks * * and insert instead thereof the following, namely, "be sewered, drained, and levelled."

No. 2.

Form of Notice for Execution of Works, &c.

Southport Improvement Act, 1871.

The Corporation of the borough of Southport hereby give you notice that you are ordered and required on or before the day of 18 * to execute and do the works and things hereunder specified.

Dated this day of .

A.B., Borough Surveyor.

To *X.Y.* of

[*Here specify the works, &c. required.*]

* Insert here where the nature of the notice so requires, "not later than the "hour of [ ] o'clock in the [fore] noon."

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No. 3.

FORM OF NOTICE OF INTENTION OF CORPORATION TO EXECUTE WORKS, &c.

Southport Improvement Act, 1871.

The Corporation of the borough of Southport hereby give you notice that they intend to execute and do the works and things hereunder specified.

Dated this day of 18 .

To *X.Y.* of

A.B., Borough Surveyor.

[*Here specify the works, &c. intended.*]

No. 4.

FORM OF WARRANT OF AUTHORITY FROM JUSTICE.

Southport Improvement Act, 1871.

I, *C.D.*, one of Her Majesty's justices of the peace acting in and for the petty sessional division of , in the county of Lancaster [*or* the borough of Southport], hereby authorise you [*here specify the act authorised*], for doing which this shall be your warrant.

Dated this day of 18 .

To *L.M.* [Constable, *&c.*]

C.D.

No. 5.

FORM OF AUTHORITY FROM CORPORATION.

Southport Improvement Act, 1871.

The Corporation of the borough of Southport hereby authorise you [*here specify the act authorised*].

Dated this day of 18 .

To *L.M.* [Constable, *&c.*]

J.P., Town Clerk.

No. 6.

FORM OF ORDER AS TO UNDER-GROUND DWELLINGS.

Southport Improvement Act, 1871.

The Corporation of the borough of Southport hereby give you notice that they order and require that the occupation as a separate dwelling of the cellar [*or* vault *or* under-ground room] hereunder specified be from the expiration of one calendar month from the service hereof on you discontinued.

Dated this day of 18 .

To *X.Y.* of

J.P., Town Clerk.

[*Here specify cellar, &c.*]

No. 7.

FORM OF DECLARATION OF HIGHWAY.

Southport Improvement Act, 1871.

It is resolved and declared by the council of the borough of Southport that the following street, namely [*A.* Street] is a public highway.

J.P., Town Clerk.

No. 8.

FORM OF RATE BOOK.

An Assessment to the Borough [*or* "Cemetery, Paving and Highway," *or* "Improvement"] Rate, under the Southport Improvement Act, 1871, for the borough of Southport, in the county of Lancaster, made the day of -18 .

Number in the Rate Book.	Name of the Owner of the Property.	Name of Occupier.	Description of Property and Situation of Property.	Rent or gross Annual Value.	Nett rateable Value.	Amount of Borough [*or* "Cemetery, Paving and Highway," *or* "Improvement"] Rate in the Pound.

Signed by me this day of 18 .

J.P., Town Clerk.

No. 9.

FORM OF NOTICE OF RATE.

Southport Improvement Act, 1871.

The Corporation of the borough of Southport hereby give notice that a borough [*or* cemetery, paving and highway, *or* improvement] rate has this day been made, and that the book in which the same is written is deposited in the [ ] office.

Dated this day of .

J.P., Town Clerk.

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No. 10.

FORM OF WARRANT OF DISTRESS FOR RECOVERY OF BOROUGH RATES, &c.

Borough of Southport (to wit).

The mayor, aldermen, and burgesses of the borough of Southport, in the county palatine of Lancaster [to their collectors of borough rates, *or* cemetery, paving and highway, *or* improvement rates, *as the case may be*], and to the constables [of the said borough *or*] of the county of Lancaster.

These are in Her Majesty's name to command you to levy the sum of by distress of the goods and chattels of *A.B.* of , and if the same is not paid within the space of days next after such distress by you taken, together with the reasonable charges of taking or keeping the same, that then you do sell the goods and chattels by you distrained, and out of the money arising out of such sale, that you do detain the said sum, and also your reasonable charges of taking, keeping, and selling the said distress, rendering to the said *A.B.* the overplus on demand, and if sufficient distress cannot be found of the goods and chattels of the said *A.B.* whereon to levy the said sum, that then you do certify the same to me, together with this warrant, to the end that such further proceedings may be had thereon as to the law doth appertain.

Given under my hand and seal the day of one thousand eight hundred and .

No. 11.

FORM OF MORTGAGE.

Southport Improvement Act, 1871.

Mortgage No. pounds.

By virtue of the above-mentioned Act the mayor, aldermen, and burgesses of the borough of Southport, in consideration of pounds paid to them by *A.B.* of , grant to him, his executors, administrators, and assigns, the corporate estates of the borough, together with the proceeds of the "cemetery" [*or* "paving and highway" *or* "improvement"] rate, to hold the same until the said yearly sum of pounds be repaid to him or them, with interest at the yearly rate of pounds in the hundred, by equal half-yearly payments on the day of , and the day of in every year from the day of the date hereof (the principal to be repaid on the day of) at the option of either party, and all payments to be made at the office in Southport of the treasurer of the borough.

Given under the seal of the mayor, aldermen, and burgesses this day of one thousand eight hundred and .

No. 12. A.D. 1871.

FORM OF TRANSFER OF MORTGAGE.

Southport Improvement Act, 1871.

I *A.B.* of , in consideration of pounds paid to me by *C.D.* of , transfer to him, his executors, administrators, and assigns, the mortgage No. of the corporate estates and borough fund, together with the proceeds of the "cemetery" [*or* "paving and highway" *or* "improvement"] rate of the borough of Southport, for pounds, and interest at the yearly rent of pounds in the hundred granted on the day of by the mayor, aldermen, and burgesses of that borough [*if the transfer be by indorsement,* the within written security], and all my right and interest in and under the same.

As witness my hand and seal this day of one thousand eight hundred and .

SCHEDULE (G.)

These are to witness that in consideration of the sum of £ paid to *A.B.* of by *C.D.*, the receiver general of the revenues of the Duchy of Lancaster, on behalf of Her Majesty, he, the said *A.B.* doth by these presents grant, convey, and assure unto the said *C.D.* his heirs and assigns, all that to have and to hold the same unto the said *C.D.* , his heirs and assigns, to the use of Her said Majesty, her heirs and successors, in right of her said Duchy.

Conveyance to Her Majesty in right of her Duchy of Lancaster.

In witness, *&c.*

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