CHAPTER cxxvi.

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An Act for extending the boundary of the borough of Southport in the county of Lancaster; and for other purposes. [19th July 1875.]

34 & 35 Vict. c. cxl.

WHEREAS by the Southport Improvement Act, 1871 (herein-after called the Act of 1871), the mayor, aldermen, and burgesses of the borough of Southport in the county of Lancaster (therein and herein-after called the Corporation) were empowered to provide for the better government of the borough of Southport (therein and herein-after called the borough), and for that purpose to erect sewerage works, to make new streets, and extend the promenade at Southport, to extend their gas limits, and to improve and enlarge their gasworks, cemetery, town hall, and markets, and by such Act the boundary of the borough was extended as therein provided:

And whereas the Corporation have put the Act of 1871 into execution:

And whereas the population of the districts outside of and adjacent to the east side of the borough has increased, and is rapidly increasing, and it is expedient that the boundaries of the borough should be extended in manner by this Act authorised:

And whereas it is expedient to make provision for the maintenance and repair by the Corporation of certai nhighways in the township of North Meols outside and beyond the extension of the borough by this Act authorised, and to relieve the highway board for the district of Southport from all liability to repair the same:

And whereas, under the powers of the Act of 1871, the Corporation have borrowed and now owe the sum of one hundred and eleven thousand five hundred pounds or thereabouts, and it is expedient that they be authorised to borrow a further sum for the purposes of the Act of 1871 and of this Act:

And whereas, by the 19th section of the Act of 1871, the Corporation were empowered to make and maintain certain sewerage works therein particularly described, and subject to the restrictions

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therein mentioned, and it was thereby provided that before proceeding to exercise any of the powers thereby conferred (other than extending the existing sewer as therein mentioned) the Corporation should obtain the advice and assistance of a competent engineer connected with sewerage and drainage works, and if such engineer should not approve of the scheme of sewerage thereby provided should apply to the Secretary of State for the Home Department to approve any proper scheme recommended by such engineer, and should adopt the same:

And whereas by his report, dated the twenty-fourth day of March one thousand eight hundred and seventy-four, and approved by the Secretary of State aforesaid on the eleventh day of February one thousand eight hundred and seventy-five, James Mansergh, a competent engineer connected with sewerage and drainage works, has recommended a sewerage scheme, and the Corporation are prepared as required by the said section to adopt the same:

And whereas the estimate made by the said James Mansergh of the expense of carrying out such last-mentioned scheme the works for which are permanent works within the meaning of section 57 of the Local Government Act, 1858, amounts to fifty thousand pounds:

And whereas it is expedient that such further and other powers be conferred and provisions made as are herein-after contained:

And whereas twenty-one of the whole number of the council (the whole number being thirty-two), at a meeting held on the fourteenth day of November one thousand eight hundred and seventy-four, after ten clear days notice by public advertisement of such meeting, and of the purposes thereof, in the Southport Visiter, a local newspaper published or circulating in the borough, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said Southport Visiter, a newspaper circulating in the borough, and has received the approval of the Local Government Board and of one of Her Majesty's Principal Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand eight hundred and seventy-five, being no less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough, by resolution in the manner provided in the Local Government Act, 1858, for the adoption of that Act, consented to the promotion of the Bill for this Act:

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,)

Short title.

1. This Act may be cited for all purposes as the Southport Improvement Act, 1875.

Commencement of Act.

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

Interpretation of terms.

3. In this Act and in any Act incorporated herewith the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The term "the borough" shall mean the municipal borough of Southport as extended by this Act:

The term "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough:

The term "the mayor, aldermen, and burgesses" shall mean the Corporation of the borough:

The term "the council" shall mean the council of the borough:

The terms "the town clerk," "the treasurer," "the surveyor," shall mean respectively the town clerk, the treasurer, and the surveyor for the time being of the borough:

The term "justice" shall mean a justice of the peace for the borough, and also a justice of the peace for the county of Lancaster:

The term "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.

This and the former Act to be read as one Act.

4. This Act and the Act of 1871 (so far as not inconsistent with this Act) shall be construed and read together as one Act, but (except as herein-after provided) this Act shall supersede the Act of 1871 in all cases where the provisions of this Act and the Act of 1871 conflict, or where the powers of the Act of 1871 are amended or enlarged by this Act.

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Limits of Act.

5. This Act and the Act of 1871 shall (except as to gas) apply exclusively to and within the borough as herein-after extended.

Limits of existing borough extended.

6. The limits of the existing borough shall, from and after the commencement of this Act, be and the same are hereby extended and enlarged so that the borough shall consist of so much of the parish of North Meols in the county of Lancaster as is comprised in the following description:

1. The whole of the existing borough;
2. The area included within the following limits (and herein-after referred to as "the extended area"); (that is to say,)

The area between the limits of the existing borough and a line commencing therefrom at a point in Fine Janes' Brook one hundred and three yards west of the bridge at Scarisbrick New Road, and thence passing along the centre of the Moss Ditch on the east side of Old Moss Lane to Main Heys Lane in a south-easterly direction, and thence along the centre of the ditch on the south side of Main Heys Lane for a distance of twenty-eight yards in an easterly direction to the centre of the New Moss Ditch, thence in a south-easterly direction along the centre of the New Moss Ditch to the centre of the Boundary Brook which divides the township of Scarisbrick from the township and parish of North Meols, thence along the centre of the Boundary Brook in a north-easterly direction to a distance of three hundred and fifty yards north of the Lancashire and Yorkshire Railway, thence in an easterly direction to the junction of the Boundary Brook with the New Pool, thence in a north-easterly direction along the centre of the New Pool formed by the joint streams of Fine Janes' Brook and Boundary Brook to a point therein two hundred yards south of Rye Hey Lane, thence along the centre of the New Pool in a northerly and north-westerly direction to a point therein one hundred and sixty-three yards south-east of Bankfield Lane, thence in a northerly direction along the centre of New Pool crossing the West Lancashire Railway New Lane, and Water Lane, thence in a northerly and north-westerly direction to the New Pool Bridge, thence along the inside, and at the distance of ten yards from the sea embankment, in a northerly, westerly, southerly, and south-westerly direction past letters D, C, and B to letter A opposite the boundary line between the foreshore reputed to belong to the said Charles Hesketh and the foreshore reputed to belong to William Hawkshead Talbot and Thomas Part, as such trustees as aforesaid, as shown on the plan herein-after mentioned: Provided that the police of the said borough

shall and may have and exercise the same powers as police officers within and upon the lands and hereditaments to the seaward of the line marked A, B, C, and D, and to the westward of a line drawn due north-west from letter D on the said plan to low-water mark: Provided further, that the Corporation shall have the same powers, privileges, easements, rights, and authorities over and in respect of such part of the main sewer and outfall shown on such plan as is without the borough as they would have had if the same had been included within the borough:

And which said extended area is shown on a plan of the borough and is coloured brown thereon, and which plan is signed in duplicate by Arthur Peel, a member of Parliament, the chairman of the committee to whom the Bill for this Act has been referred, and is deposited in the Private Bill Office of the House of Commons, and with the town clerk at his office.

Copies of deposited plan showing boundaries to be evidence.

7. Copies of the said plan deposited with the town clerk, or any extract therefrom certified by him to be true, shall be received in all courts of justice or elsewhere as evidence of the contents of such plan; and such plan shall at all reasonable times be open to the inspection of the persons rated to the improvement rates of the borough, and all persons so rated shall be entitled to a copy of or extract from such plan certified by the town clerk upon payment of a reasonable fee for every such copy or extract.

Lands, &c. added to borough to be subject to Improvement Acts, &c.

8. The lands, houses, buildings, roads, and works, precincts and places, by this Act added to the existing borough, and included within the limits of the borough, shall henceforth be and be deemed part of the borough to all intents and purposes whatsoever as if they had been comprised in the existing borough, and shall be severed from and cease to be included within the limits of the district of any local board, highway board, or other sanitary authority, and, subject to the provisions of this Act, all the powers and provisions of the Acts of 1865 and 1871, and of the Public Health Acts, now applicable to the existing borough or any part thereof, shall respectively apply to the same lands, houses, buildings, roads, and works, precincts, and places, and to the borough and the inhabitants thereof and other persons therein, and shall henceforth be exercised and put in force throughout the same in all respects as if the borough had been described or referred to in the said Acts instead of the existing borough.

Borough exempt from highway and other rates.

9. On and after the commencement of this Act all lands, buildings, and hereditaments within the borough, and all persons in respect of the same, shall be exempt from the payment of and all

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liability to be assessed to all rates levied within the parish of North Meols by the sanitary authority of such parish, or by the Southport highway board, and from time to time raised by such parish or board.

Exemptions from rates not to affect rates payable before commencement of Act.

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

Corporation to maintain and repair, &c. certain highways outside the borough.

11. From and after the commencement of this Act the Corporation shall maintain and repair the highways in the parish of North Meols outside and beyond the northerly or north-westerly boundary of the borough, known and described on the plan of the borough signed in duplicate by the said Arthur Peel, and deposited in the Private Bill Office, and with the town clerk, as Water Lane, Gravel Lane to Guinea Lane, Guinea Lane, Hoole Lane to Ralph's Wife's Lane, and Ralph's Wife's Lane, respectively, and the Corporation shall be subject to all the liabilities, penalties, forfeitures, and proceedings to which the highway board for the district of Southport is or would, but for the passing of this Act, be subject or liable in respect of the repair of the said highways respectively, and the Corporation shall be subject to all the liabilities, penalties, forfeitures, and proceedings (if any) to which the highway board for the district of Southport is or would be, but for the passing of this Act, subject or liable in respect of the repair of Brick Kiln Lane, Charnley's Lane, Little Lane, Bank Pass, and all other lanes and roads (if any) intersecting and lying northerly or north-westerly of the boundary of the borough between the seashore and Charnley's Lane, Little Lane, Brick Kiln Lane, Ralph's Wife's Lane, Hoole Lane, Guinea Lane to Gravel Lane, Gravel Lane, and Water Lane respectively.

Corporation to contribute to common fund of highway board for repair of turnpike road at Burscough.

12. The Corporation shall annually, on the thirty-first day of December in every year, pay to the said highway board such proportion of the common fund of the highway district of the said board as the portion of the township of North Meols included within the borough would, but for the passing of this Act, have been liable to contribute towards the cost of maintaining so much of the highway in the township of Burscough, formerly part of the Liverpool and Preston turnpike road, as passes through the district of the said highway board.

Highway board exempt from repair of roads, &c.

13. From and after the commencement of this Act, and notwithstanding anything to the contrary, the highway board for the district of Southport shall be exempt from the maintenance and repair

of the several highways, roads, and lanes mentioned in section 11 of this Act, and from all liabilities, penalties, forfeitures, and other proceedings in respect of the same highways, roads, and lanes, or any of them. mentioned in section 11.

14. 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 such other laws as aforesaid, and as nearly as may be in all respects as if the powers, 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 and such other laws as aforesaid. Execution of Act.

15. The borough shall, from and after the commencement of this Act, be divided into six wards, having the names and boundaries set forth and described in the schedule to this Act annexed, and shown upon a plan of the wards in the borough, signed in duplicate by the said Arthur Peel, and deposited in the Private Bill Office of the House of Commons, and with the town clerk at his office. Borough divided into six wards.

16. Each of the two new wards, Scarisbrick ward and Hesketh ward, added to the borough shall return three councillors, and two additional aldermen shall be elected for the borough. Number of aldermen and councillors in new wards.

17. For the purpose of the burgess list, burgess roll, and other lists to be made after the commencement of this Act, under the Municipal Corporation Acts, and in relation to the functions of overseers, and of the mayor, town clerk, and revising assessors, under those Acts, the extended area shall be deemed to have always formed part of the borough. Burgess list.

18. The first election of councillors for the two new wards of the borough respectively shall take place on the first day of November one thousand eight hundred and seventy-five. First election of councillors for wards of borough.

On the first day of November one thousand eight hundred and seventy-six, and in every year thereafter, one third of the number of the new councillors for Scarisbrick ward and Hesketh ward respectively shall go out of office, and in the year one thousand eight hundred and seventy-six those who shall go out of office shall be the councillors who were elected by the smallest number of votes in the present year, and in the next year (one thousand eight hundred Rotation of councillors.

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and seventy-seven) those who shall go out of office shall be the councillors who were elected by the next smallest number of votes in this present year, the majority of the number present at a meeting of the council always determining, when the votes are equal, who shall be the persons to go out of office, and thereafter those who shall go out of office shall always be the councillors who have been the longest time in office without re-election.

First election of aldermen for borough.

19. The first election of new aldermen for the borough shall take place on the ninth day of November one thousand eight hundred and seventy-five, and the council, immediately after the first election of new aldermen, shall appoint who shall be the alderman to go out of office in the year one thousand eight hundred and seventy-seven.

Mode of election.

20. Subject to the foregoing provisions of this Act, such elections and all vacations of office and rotations shall be governed by the Municipal Corporation Acts.

Extension of jurisdiction of justices.

21. From and after the passing of this Act the jurisdiction, powers and authorities, rights and privileges, of justices of the peace appointed for the borough, as existing before the passing of this Act, shall extend to and be in full force throughout the borough as extended by this Act.

Corporation to carry out sewerage scheme.

22. The Corporation may, if they think fit, within five years after the passing of this Act, carry out and complete and thenceforth maintain the sewerage works specified in the report and estimate of James Mansergh, engineer, herein-before mentioned: Provided that the main outfall sewer, from the point where it enters on the property belonging or reputed to belong to the Reverend Charles Hesketh to the point of its discharge into Crossens Channel, shall be so constructed, maintained, and used by the Corporation as that no accumulation or deposit of solid sewage matter or other filth shall lodge, remain, or stay therein.

Power to levy rates.

23. From and after the passing of this Act the Corporation shall have the same powers of levying rates within the borough as they have within the existing borough under the Act of 1871, and sections 113 to 147 of that Act shall accordingly be and the same are hereby applied to the extended area: Provided always, that the total amount of rates to be collected in Hesketh ward and Scarisbrick ward respectively in any one year during the first seven years after the passing of this Act shall not exceed the sum of two shillings and sixpence in the pound.

Power to borrow money.

24. 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 rates authorised to be raised and levied for the purposes of the Act of 1871, or of this Act, and the borough fund and borough rate, any sum not exceeding in the whole eighty thousand pounds, and may mortgage such rates, and the borough fund and borough rate, to secure repayment thereof with interest accordingly.

Application of moneys borrowed.

25. 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 carrying out the sewerage scheme herein-before mentioned, and in the purchase of land and other hereditaments, for the purpose of such scheme, not exceeding fifty thousand pounds:
3. In extensions of such sewerage scheme, and carrying out the other purposes of this Act and the Act of 1871, not exceeding thirty thousand pounds, but such last-mentioned sum of thirty thousand pounds shall not be raised or applied without the sanction of the Local Government Board.

Provi-ions of Act of 1871 as to mortgages extended to this Act.

26. The sections 150 to 153, both inclusive, and 155 to 162, both inclusive, of the Act of 1871, shall extend and apply to mortgages created under the powers of this Act as if the same were here repeated mutatis mutandis, and as if the money borrowed by the Corporation under this Act were borrowed by the Corporation under the Act of 1871.

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

27. The town clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or paid off by instalment under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and the amount paid off by instalment, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Corpora-

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tion have failed to set apart the sum required by this Act for the sinking fund, or to pay any instalment, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of mandamus, to be obtained by the Local Government Board out of the Court of Queen's Bench.

Saving rights of lords of the manor of North Meols.

28. Nothing contained in this Act shall supersede, prejudice, or alter the provisions contained in section 213 of the Act of 1871, or extend or operate to take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by William Hawkshead Talbot and Thomas Part therein mentioned, as such trustees as therein mentioned, and the Reverend Charles Hesketh therein mentioned, or any or either of them, as lords of the manor of North Meols in the county of Lancaster.

Saving rights of the duchy of Lancaster.

29. Nothing contained in this Act shall supersede, prejudice, or alter the provisions contained in section 216 of the Act of 1871, or extend or operate to take away, prejudice, or diminish any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors, in right of her duchy of Lancaster.

Saving rights of highway board.

30. Except as by this Act otherwise expressly provided, nothing in this Act shall prejudice, diminish, alter, or take away any of the rights, privileges, powers, authorities, or jurisdiction of the highway board for the district of Southport, or other highway or parochial authority or authorities in the township of North Meols outside the boundary of the borough, or exempt any owner or occupier of houses, buildings, or lands therein, from the payment of any highway or other rates.

Expenses of Act.

31. 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 1871: Provided that nothing in this Act contained shall be construed to exempt such costs, charges, and expenses from the operation of the sixth section of the Municipal Corporations (Borough Funds) Act, 1872.

SCHEDULE referred to in the foregoing Act

WEST WARD.

Description and Boundaries of West Ward.

So much of the town as lies between the south-westerly boundary of the town and a line drawn from the seashore along the centre of Coronation Walk, Portland Street, and Upper Portland Street to the boundary of the town.

CRAVEN WARD.

Description and Boundaries of Craven Ward.

So much of the town as lies between the line lastly described extended along Fine Janes' Brook, Old Moss Lane, Old Moss Ditch to Boundary Brook, and a line drawn from the seashore along the centre of Nevill Street, and thence along the centre of London Street to its junction with Chapel Street, and thence along the centre of Chapel Street up to and directly opposite the front entrance of the station of the Lancashire and Yorkshire Railway Company, and thence along the north-west side of their railway to the boundary of the town at Boundary Brook.

TALBOT WARD.

Description and Boundaries of Talbot Ward.

So much of the town as lies between the line lastly described and a line drawn from the seashore along the centre of Sea Bank Road to its junction with Lord Street, thence along the centre of Lord Street to its junction with Manchester Road, and thence along the centre of Manchester Road and Row Lane to Long Lane, thence along Long Lane to Lower Blowick Farm, thence in an easterly direction along Lower Blowick Ditch and the south side of Crowland's Cover to the Pool, thence in a southerly direction along the Pool, Fine Janes' Brook, and Boundary Brook to the south-west side of the line of the Lancashire and Yorkshire Railway.

EAST WARD.

Description and Boundaries of East Ward.

So much of the town as lies between a line drawn from the seashore along the centre of the Sea Bank Road to its junction with Lord Street, thence along the centre of Lord Street to its junction with Manchester Road, thence along the centre of Manchester Road and Row Lane to Church Gate, thence in a north-easterly direction along Church Gate to Old Mill Brow, thence in a north-westerly direction along the Mill Brow footpath to the seashore.

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HESKETH WARD.

Description and Boundaries of Hesketh Ward.

So much of the town as lies between the line lastly mentioned from the sea-shore in a south-easterly direction along the Mill Brow footpath to Church Gate, thence in a south-westerly direction along Church Gate to Row Lane, and a line drawn thence in an easterly direction along the centre of Row Lane to Mill Lane, thence in a northerly direction along the centre of Mill Lane and the centre of Churchtown Road to Church Bridge, thence along the centre of Bankfield Road and Crossens Road to the boundary of the town at the New Pool Bridge.

SCARISBRICK WARD.

Description and Boundaries of Scarisbrick Ward.

So much of the town as lies between the lastly described line and the boundary of the town at the New Pool, which boundary extends in a southerly direction from the New Pool Bridge at Crossens to the Pool Farm at Fine Janes' Brook, and a line drawn thence in a northerly direction along the Old Pool to the south side of Crowland's Cover, thence in a westerly direction along the south side of Crowland's Cover and Lower Blowick Ditch to Long Lane, thence along the centre of Long Lane in a northerly direction to Row Lane at its junction with Church Gate.

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