CHAPTER ccxv.

An Act to extend the boundaries of the borough of Saint Helens in the county of Lancaster to consolidate the townships within the borough to dissolve the Burial Board and to make better provision for the health local government and improvement of the borough and for other purposes [24th August 1893.]

A.D. 1893.

WHEREAS the borough of Saint Helens in the county of Lancaster is a municipal borough under the management and local government of the Corporation who acting by the council are also the urban sanitary authority for the district of the existing borough :

And whereas the existing borough is a county borough within the meaning of the Local Government Act 1888 :

And whereas by the Saint Helens Improvement Act 1869 extensive powers with regard to the improvement and government of the borough are conferred upon the Corporation and that Act except so far as the same has been altered or amended is still in force and the following local Acts and Orders confirmed by Parliament are also in force within the existing borough (that is to say) the Saint Helens (Water) Act 1882 the Saint Helens Corporation Act 1889 and the Orders relating to the borough confirmed by the following Acts (that is to say) the Local Government Board's Provisional Orders Confirmation (Belper Union &c.) Act 1877 the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1878 the Local Government Board's Provisional Orders Confirmation (Abergavenny Union &c.) Act 1879 the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1882 the Local Government Board's Provisional Orders Confirmation Act 1887 and the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891 all which Acts and Orders are in this Act collectively referred to as the recited

A.D. 1893.

Acts and each of the said local Acts is separately referred to as the Act of the year in which it was passed:

And whereas it is expedient that the municipal boundary of the borough should be extended so as to include the parts of the extra-municipal portions of the townships of Eccleston and Windle described in Part I. (B) of the schedule to this Act:

And whereas there are at present four townships or parts of townships comprised within the borough and there is considerable difference in the amount in the pound actually levied by way of rate in the several townships and parts of townships and the employment of an assistant overseer for each township is attended with much expense and it is expedient that the borough should be constituted one township for all purposes other than ecclesiastical purposes:

And whereas there is at present a burial board for the parish of Saint Helens comprising a part of the existing borough and the extra-municipal portion of the township of Windle and it is expedient to dissolve the existing burial board and to extend the burial district so as to include the whole of the extended borough and the extra municipal portion of the township of Windle (which is very sparsely populated) and to constitute the council the burial board for the extended district as provided by this Act:

And whereas doubts have arisen as to the correct and legal name or title of the Corporation and in order to remove those doubts it is expedient to define or alter the name of the Corporation as by this Act provided:

And whereas the Corporation are the owners of the gasworks which supply the borough and neighbourhood with gas and it is expedient in order to meet the present and growing demands for gas that they should be authorised to extend the lands upon which they may manufacture and store gas and residuals:

And whereas in pursuance of the powers contained in the Saint Helens Improvement Act 1851 the Saint Helens Waterworks Company granted a lease of their undertaking to the Saint Helens Improvement Commissioners for a term of five thousand years subject to the rents and conditions reserved and contained in the said lease and after the incorporation of the borough the water undertaking of the said Commissioners was transferred to and is now vested in the Corporation for the residue of the term granted by the said lease:

And whereas it is expedient that the Corporation should be empowered to purchase all or some of the annual rents reserved by the said lease and to purchase shares in the said company and that

other provision should be made in regard to the water undertaking of the Corporation as in this Act mentioned:

And whereas it is expedient to authorise the construction of the street improvements in this Act described:

And whereas it is expedient that the power of purchase conferred upon the Corporation by the Tramways Act 1870 should be extended so as to include the tramways outside the borough and forming part of the undertaking of the Saint Helens and District Tramways Company Limited and that the Saint Helens and District Tramways Act 1883 should be amended as in this Act mentioned:

And whereas it is expedient that better provision should be made with reference to streets buildings sewers and recreation grounds within the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough should be enlarged and the recited Acts should be in divers respects amended:

And whereas it is also expedient that better provision should be made for the levying and collection of the borough rate highway rate and poor rate within the borough:

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

And whereas estimates have been prepared by the Corporation showing that they may require to borrow moneys to be applied for or in connexion with their water undertaking for sewerage purposes and for street improvements and such estimates include the following:—

	£
For waterworks purposes other than the purchase or redemption of the rents payable to the Saint Helens Waterworks Company and the purchase of shares in that company - - -	150,000
For sewerage purposes - - - -	50,000
For and in connexion with the street improvements by this Act authorised - - - -	50,000

And the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 and it is expedient that the Corporation should be authorised to borrow money for those purposes:

And whereas an absolute majority of the whole number of the council at a meeting held on the thirty-first day of October one thousand eight hundred and ninety-two after ten clear days notice by public advertisement of the meeting and of the purpose thereof in the St. Helens Newspaper and Advertiser a local newspaper published and circulating in the borough such notice being in

A.D. 1893.

addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and rate:

And whereas that resolution was published twice in the said St. Helens Newspaper and Advertiser and has received the approval of the Local Government Board:

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 first day of February one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

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):—

Part I.—Preliminary.

Short title.

1. This Act may be cited as the St. Helens Corporation Act 1893.

Division of Act into *parts*.

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

Part I.—Preliminary.
Part II.—Extension of Borough.
Part III.—Consolidation of Townships.
Part IV.—Burials.
Part V.—Corporate Name.
Part VI.—Gas.
Part VII.—Water.
Part VIII.—Street Improvements.
Part IX.—Streets Buildings and Sewers.

Part X.—Recreation Grounds.
Part XI.—Sanitary Provisions.
Part XII.—Police Regulations.
Part XIII.—Hackney Carriages &c.
Part XIV.—Common Lodging Houses.
Part XV.—Street Advertisements.
Part XVI.—Tramways.
Part XVII.—Financial Provisions.
Part XVIII.—Miscellaneous Provisions.

Commencement of Act.

3. For the purposes of Part II. (Extension of borough) this Act shall come into operation on its passing and for all other purposes (save as expressly provided) shall come into operation on the thirty-first day of October one thousand eight hundred and ninety-three which respective times are herein-after referred to as the commencement of this Act.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts so far as those Acts are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act.

Interpretation.

5. In this Act the following words and expressions have the meanings hereby assigned to them unless the subject or context otherwise require :—

"The existing borough" means the town and municipal borough of Saint Helens as existing immediately before the passing of this Act;

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

"The borough" used without any qualification or "the extended borough" means the existing borough with the added area;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the surveyor" "the medical officer of health" "the borough fund" "the borough rate" and "the highway rate" mean respectively the town clerk treasurer surveyor medical officer of health borough fund borough rate and highway rate of the borough;

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

"Dairyman" means any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop;

A.D. 1893.

"Sky sign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression "sky sign" shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not be deemed to include (i) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement (ii) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported or (iii) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place;

The expression "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock Corporation stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain except the Corporation or of any other local authority within section thirty-four of the Local Loans Act 1875;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction:

Words and expressions to which meanings are assigned by the Act of 1869 have in this Act the same respective meanings unless the subject or context otherwise requires:

Provided that the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Execution and limits of Act.

6. This Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties obligations and indemnities of the Corporation as a municipal authority and as an urban sanitary authority respectively And this Act shall unless otherwise expressed or implied apply only to the borough.

Part II.—Extension of Borough.

Extension of borough.

7.—(1) The boundary of the existing borough is hereby extended so as to comprise and the borough shall accordingly comprise in addition to the existing borough the added area described in Part I. (B) of the schedule to this Act.

(2) The added area shall be apportioned to the North Eccleston Ward the South Eccleston Ward and the North Windle Ward of the borough and those wards shall accordingly be extended so as to include the apportioned areas described in Part II. of the schedule to this Act but nothing in this Act shall take away or affect the power to alter the number or boundaries of the wards of the borough under the provisions of the Municipal Corporations Act 1882 or any Act amending that Act.

Authority of Corporation extended.

8. All the powers rights privileges authorities and duties of the Corporation as a municipal body and of the Corporation acting by the council as the urban sanitary authority for the district of the existing borough and of the Corporation acting in the execution of the recited Acts or other local Act or Order confirmed by Parliament in force within the existing borough or otherwise and the powers rights privileges authorities and duties of the mayor of the borough auditors and of the officers and servants of the Corporation in their respective official capacities shall extend to and throughout the extended borough.

Extension of jurisdiction of the justices and police constables.

9. The jurisdiction powers rights privileges and duties of the justices of the peace appointed for the borough and of the police constables and other police officers of the borough shall extend and apply throughout the extended borough.

Acts charters and byelaws to apply to extended borough.

10. The recited Acts and all other local and general Acts and Orders confirmed by Parliament and all charters and all byelaws and regulations made by the Corporation which at the commencement of this Act are in force within the existing borough shall

A.D. 1893.

extend and apply to the extended borough (subject as regards such byelaws and regulations to revocation or alteration by the Corporation in the manner in which the same can be made by the Corporation) and byelaws and regulations made by any sanitary authority or highway authority in force within the added area at the commencement of this Act shall cease to be in force or to have any effect therein Provided that any person may be punished for any offence against the same committed before the commencement of this Act as if this Act had not been passed.

Exemption from liability to county and other rates and collection of arrears.

11. The added area shall as respects contributions to county expenditure be as if it had always formed part of the existing borough and subject to the provisions of the Local Government Act 1888 relating to county boroughs lands and other property in the added part of the borough shall not be liable to contribute or to be rated to any expenditure of the county of Lancaster nor shall any such lands or property be liable to any rate made pursuant to the precept or order of any rural sanitary authority or highway authority but precepts or orders respecting any county or other such rate or rates made before the commencement of this Act and all arrears of any such rates existing at the commencement of this Act may be enforced collected and recovered as if this Act had not been passed.

Added area to be part of borough for all purposes.

12. The added area shall form and for all intents and purposes be part of the borough and all the rights privileges benefits and advantages enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the extended borough.

Corporation property.

13. All estates and property of every description vested in the Corporation at the commencement of this Act for the benefit of the existing borough shall continue vested in the Corporation for the benefit of the extended borough and the Corporation shall hold enjoy and exercise for the benefit of the extended borough all the property powers rights and privileges which at the commencement of this Act are vested in the Corporation for the benefit of the existing borough but subject to all debts liabilities and engagements affecting the same.

Officers of Corporation continued.

14. The town clerk treasurer and all other officers and servants of the Corporation shall continue to be the town clerk treasurer officers and servants of the Corporation respectively and shall hold their offices and situations by the same tenure as at the commencement of this Act.

Deposit of plan of extended borough.

15. A plan of the borough as extended by this Act signed in duplicate by Walter Hume Long Esquire the Chairman of the

Committee of the House of Commons to whom the Bill for this Act was referred (in this Act called the borough plan) shall within two weeks after the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office and copies thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Director-General of Her Majesty's Ordnance Survey to the Local Government Board and to the clerk of the peace of the county of Lancaster In case of any discrepancy between the description of the extended borough referred to and set forth in Part I. of the First Schedule to this Act and in the borough plan the description referred to and set forth in the schedule shall prevail.

Copies of deposited plan of borough to be evidence.

16. Copies of the borough plan or any extract therefrom certified by the town clerk to be true shall be received in the Supreme Court and in all other courts and proceedings as primâ facie evidence of the contents of such plan and such plan shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any person shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract and all sums received under this section shall be carried to the credit of the borough fund.

Adjustment of financial relations between county and borough.

17.—(1) An equitable adjustment respecting the distribution of the proceeds of the local taxation licenses the probate duty grant and the residue of the beer and spirit duties payable under the Local Taxation (Customs and Excise) Act 1890 and all other financial relations and questions between the county of Lancaster and the borough which may be affected by the extension of the existing borough by this Act shall be made by agreement within six months from the first day of April one thousand eight hundred and ninety-four between the Lancashire County Council and the Corporation and in default of such agreement by the Local Government Board and for the purpose of such adjustment the provisions of the Local Government Act 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications.

(2) The said adjustment whether made by agreement or by the Local Government Board as aforesaid and the adjustment under the said Act with respect to the existing borough made by the Commissioners under that Act shall for all future purposes be taken together as one adjustment and particularly for the purposes of section 32 (6) of the said Act the date shall be taken to be the date of the said commissioners award.

A.D. 1893.

(3) For the purposes of this section the extension of the borough shall be deemed to be made as on the first day of April one thousand eight hundred and ninety-four.

Corporation to repay county council of Lancashire expenses of improvement of Dentons Green Lane.

18. Within three months of the commencement of this Act the Corporation shall repay to the county council of Lancashire all sums not to exceed the total sum of one hundred and sixty pounds expended by such council in and about the improvement of Dentons Green Lane in accordance with the arrangement therefor with Greenall Whitley and Company Limited and such expenditure shall be excluded from the adjustment to be made between the Corporation and the Lancashire County Council under section 17 of this Act.

Accounts to be adjusted by Local Government Board.

19. The Local Government Board are hereby empowered on the application of the Corporation or any sanitary or highway authority to apportion any debts and to adjust all accounts and apportion any rates leviable or in hand and any debts liabilities and obligations incurred and any contributions to be made and any property acquired by the Corporation or any sanitary or highway authority respectively which by reason of the provisions of this Act may be required to be adjusted or apportioned and may make such order as they deem expedient for effecting the objects of this section Any order of the Local Government Board made under this section shall be conclusive.

Representation of the extended wards to continue the same.

20. The North Eccleston Ward the South Eccleston Ward and the North Windle Ward of the borough shall each continue to be represented by three councillors notwithstanding the extension of the boundaries of those wards and the existing councillors of those wards shall represent the increased wards respectively and for the same periods respectively for which they would have held office if this Act had not been passed.

Parish burgess lists and burgess roll.

21. For the purpose of the parish burgess lists the ward rolls and the burgess roll to be made after the passing of this Act under the Municipal Corporations Act 1882 and in relation to the functions and offices of the mayor town clerk and other officers under that Act the added area shall be deemed to have always been part of the borough and wards respectively Provided that no such parish burgess list or ward or burgess roll so to be made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notice or notices given at the time or times required prior to the passing of this Act if such list or roll or notice or notices be made given or published so soon after the passing of this Act as may be practicable and if any difficulty arises in making out revising or otherwise dealing with such lists

and rolls or the lists of county electors and the county register the Local Government Board may make such order as may appear to them to be necessary to give effect to the provisions of this Act.

Provisions of Municipal Corporations Acts to apply to elections.

22. Subject to the provisions of this Act all elections vacations of office and rotations shall be governed by the Municipal Corporations Act 1882 and any Act amending the same.

Part III.—Consolidation of Townships.

Consolidation of all the townships of the borough into one township.

23.—(1) From and after the twenty-fifth day of March one thousand eight hundred and ninety-four the area included within the borough shall for all purposes be one township to be called (and herein-after referred to as) the township of St. Helens.

(2) Where a part of any township has by virtue of this Act become part of and been included in the township of St. Helens the remaining part of such township shall thenceforth for all purposes be and constitute a separate township.

(3) All and every right custom privilege or power other than in matters ecclesiastical vested in or exercisable by the parishioners ratepayers or inhabitants in vestry assembled of any township which or any part of which is by this Act included within the township of St. Helens shall as to the township or part of the township so included within the township of St. Helens cease to be so vested or exercisable and every office of overseer assistant overseer and collector of poor rates in or for any township which or any part of which is by this Act included in the township of St. Helens shall as to the township or part of the township so included be vacated and determine Provided that nothing in this section shall take away prejudice or affect any security right or remedy for or in respect of the collection and recovery of rates or any proceeding or thing pending or in course of being done on the said twenty-fifth day of March one thousand eight hundred and ninety-four or any liability to account or audit and all arrears of rates may be enforced collected and recovered by the overseer and assistant overseer appointed under this Act.

(4) From and after the twenty-fifth day of March one thousand eight hundred and ninety-four all rights powers duties liabilities obligations privileges and immunities not exclusively ecclesiastical incident or attaching to the said parishioners ratepayers or inhabitants in vestry assembled shall for and within the township of St. Helens be incident and attach to the council and be exercisable by them.

(5) From and after the twenty-fifth day of March one thousand eight hundred and ninety-four the power of any authority or person

A.D. 1893.

to appoint an overseer assistant overseer and collector of poor rates for the township of St. Helens shall cease and determine and the following provisions shall apply :—

(a) On the twenty-fifth day of March in any year or within fourteen days thereafter and within fourteen days of any vacancy in the office of overseer or within such extended period as the Local Government Board may in either of such cases allow the council shall appoint the overseers or an overseer (as the case may be) of the poor for the township of St. Helens and the power of the justices to make such appointments shall cease ;

(b) The council shall as often as need be appoint the assistant overseer or assistant overseers for the township of St. Helens and determine and specify the duties to be by him or them executed and performed and fix the remuneration to be paid to him or them out of the poor rate and the power of the justices and of the board of guardians to make such appointments shall cease ;

(c) Subject to the provisions of this sub-section the provisions of the general law with respect to overseers and assistant overseers shall apply.

(6) Any assistant overseer or collector of poor rates of or for any township or part of a township by this Act made part of the township of St. Helens who was in office before the passing of this Act and shall be in office on the twenty-fifth day of March one thousand eight hundred and ninety-four for whom no equivalent office shall be found by the Corporation or by the guardians of the poor for the Prescot Poor Law Union shall be deemed to be an officer within the meaning of section 120 of the Local Government Act 1888 and that section shall apply accordingly.

(7) Any doubt question or difficulty which may arise as to the status of any officer or as to the transfer apportionment or adjustment of any property debt or liability as between any of the townships affected by this Act shall be determined by the Local Government Board whose decision shall be binding and conclusive on all bodies and persons concerned and any costs which may be incurred by the Local Government Board under this section shall be paid by the Corporation out of the borough fund.

(8) Unless and until it be otherwise determined or ordered by the Local Government Board the township of St. Helens shall form part of the Prescot Poor Law Union and the representation of that township on the board of guardians for the said union and (subject as herein provided) the mode of election of such guardians shall be the same as that of the townships and parts of townships in the existing borough and if any difficulty shall arise in determining the

number of such guardians the same shall be settled by the Local Government Board The wards of the borough shall be deemed wards of the township of St. Helens for the election of guardians in like manner as though the township of St. Helens had been divided into the said several wards for the election of guardians by an order of the Local Government Board pursuant to section 12 of the Divided Parishes and Poor Law Amendment Act 1876 and the Local Government Board may from time to time by order alter such division or make a new division of the township of St. Helens into wards and may determine the number of guardians to be assigned to each ward.

(9) The existing guardians for the townships or parts of townships included within the existing borough shall be the guardians for the township of St. Helens until the fifteenth day of April one thousand eight hundred and ninety-five (the date of the next ordinary day of election) and each such guardian shall represent a ward of the borough to be selected and agreed upon by them or failing agreement determined by the board of guardians of the Prescot Poor Law Union The existing guardians for the rural wards of the townships of Eccleston and Windle shall be deemed to have been elected for and to represent the new townships of Eccleston and Windle as formed by this Act.

(10) Any person who shall have acquired a settlement or status of irremovability in the townships or parts of townships comprised in the extended borough shall be deemed respectively to have acquired a settlement or a status of irremovability in the township of St. Helens as constituted by this Act.

(11) All rate books books of account minutes of proceedings deeds papers and writings belonging to the townships which or parts of which are comprised in the extended borough shall be deposited in the town hall at St. Helens and be there kept and preserved by the town clerk and the ratepayers shall at all times have the same right of inspection and making extracts from such books and minutes as they would have had if they were ratepayers of the said townships.

(12) Notwithstanding anything herein-before contained any power by this section conferred on the Local Government Board may be exercised and any proceedings (including the giving of any notice) preliminary to the election of guardians for the township of St. Helens may be taken before the twenty-fifth day of March one thousand eight hundred and ninety-four and it shall be the duty of the clerk to the board of guardians of the Prescot Poor Law Union and of all other persons to take proceedings so as to conform to the provision of this section.

A.D. 1893.

(13) Notwithstanding anything herein-before contained the registers of persons entitled to vote at the election of a knight of the shire for the Newton parliamentary division of Lancashire for the four townships or parts of townships comprised within the borough shall be deemed to be the register of such parliamentary voters entitled to vote as aforesaid for the township of St. Helens until a new register of parliamentary voters for the township of St. Helens shall have been prepared according to law and shall have come into force.

(14) For the purpose of the county rate basis and all enactments relating to the county rate the township of St. Helens shall be substituted for and stand in place of the townships or parts of townships comprised within the borough before the passing of this Act and those enactments shall be read and have effect accordingly.

(15) All valuation lists in relation to hereditaments and premises in the township and parts of townships by this Act included in the township of St. Helens and in force on the twenty fifth day of March one thousand eight hundred and ninety-four shall until new valuation lists are made be and be deemed to be part of the valuation lists for the township of St. Helens.

(16) For the purposes of the Registration of Electors Acts 1843 to 1891 it shall be sufficient (instead of publishing the entire lists of parliamentary voters and burgesses in accordance with those Acts) to publish the lists of parliamentary voters and burgesses of each ward of the borough at the times and in manner provided by those Acts as if each such ward were a separate parish.

Part IV.—Burials.

Dissolution of Saint Helens Burial Board and Corporation to be burial board.

24.—(1) From and after the commencement of this Act the burial board for the parish of Saint Helens in the county of Lancaster (in this part of this Act called the parish burial board) is by this Act dissolved and all the estate property rights powers duties privileges and liabilities of the parish burial board shall be and the same are hereby transferred to and vested in the Corporation.

(2) The council shall be the burial board for the burial district comprising the township of St. Helens as constituted by this Act and the extra-municipal portion of the township of Windle and the council shall have and be subject to all the rights powers duties and liabilities of a burial board under the Burial Acts 1852 to 1885 so far as the same are applicable.

(3) All fees payments and sums chargeable and charged by the parish burial board within their district at the commencement of this Act shall thenceforth be the fees payments and sums to be

charged and receivable by the council within their burial district subject and without prejudice to the provisions of the Burial Acts 1852 to 1885 with respect to the revision and alteration from time to time of such fees payments and sums.

(4) All officers and servants of the parish burial board (other than the clerk) who shall be in office at the date of the passing of this Act shall be and remain the officers and servants of the Corporation upon the same terms as to tenure of office and emolument as they were under the parish burial board.

Expenses of council as burial board.

25.—(1) All expenses incurred by the cotincil as the burial board shall be chargeable upon and paid out of the rates for the relief of the poor of the township of St. Helens as constituted by this Act and the extra-municipal portion of the township of Windle and such expenses shall be apportioned by the council between the said township and portion of township according to the rateable value of the hereditaments within the same respectively on the poor rate basis.

(2) The amount of the expenses apportioned to the township of St. Helens shall be levied and collected as part of the poor rate for that township.

(3) The amount of the expenses apportioned to the extra-municipal portion of the township of Windle shall be paid by the overseers of the last-mentioned township upon the receipt of a certificate under the hand of the town clerk of the amount so from time to time required.

Parish clerk and sexton to cease to exercise burial duties.

26. The right of any parish clerk or sexton to perform and exercise duties and functions in respect of the burial of the remains of parishioners or inhabitants of the burial district of the parish burial board in any cemetery or burial ground provided by the parish burial board and to receive fees on such burials shall cease on the commencement of this Act and the provisions of section 32 of the Burial Act 1852 shall not apply within the burial district of the Corporation.

Part V.—Corporate Name.

Name of Corporation altered.

27.—(1) The name of the Corporation shall be the "Mayor Aldermen and Burgesses of the Borough of St. Helens."

(2) The alteration in the name of the Corporation shall not affect any rights powers authorities privileges duties or obligations of the Corporation in any capacity nor any grant of arms to the Corporation or render defective any proceedings instituted by or against the Corporation in any capacity and any legal proceedings may be continued or commenced against the Corporation under their new

A.D. 1893.

name which might have been continued or commenced against the Corporation under their former name.

(3) All acts deeds and proceedings of or relating to the Corporation heretofore done executed and taken whether in the name of the mayor aldermen and burgesses of the town of Saint Helens or of the mayor aldermen and burgesses of the borough of Saint Helens shall as regards the name of the Corporation be deemed valid and effectual.

Corporation to obtain new common seal.

28. So soon as conveniently may be after the commencement of this Act the Corporation shall obtain a new common seal similar to their seal in use at the passing of this Act but with the altered name of the Corporation thereon and thereupon the seal now in use shall be destroyed in the presence of the mayor and the town clerk and the new seal shall be the common seal of the Corporation.

Part VI.—Gas.

New gas lands.

29. The Corporation in addition to the lands now used by them for the manufacture and storage of gas and residual products may manufacture and store gas and residual products upon the lands following so soon as they shall have acquired the same (that is to say) :—

A piece of land bounded on the western side by Warrington old road on the north-easterly side by Warrington new road and on the other sides by gasworks and lands of the Corporation and which piece of land comprises 6557 square yards or thereabouts.

Additional lands for gas purposes.

30. In addition to the lands which the Corporation are entitled to hold by virtue of the Saint Helens Gas Act 1852 and this Act the Corporation may purchase by agreement and hold any lands and hereditaments not exceeding twelve acres which the Corporation may from time to time require for the purpose of their gas undertaking but the Corporation shall not create or permit a nuisance on any such lands nor use them for the purpose of manufacturing or storing gas or residual products.

Part VII.—Water.

Rents payable to water company chargeable to water revenue.

31. The revenue of the waterworks undertaking of the Corporation and the water account shall be chargeable with the annual rents payable by the Corporation under the lease from the Saint Helens Waterworks Company dated the first day of October one thousand eight hundred and fifty-one and section 339 ("Application of water rent") of the Act of 1869 is accordingly amended so as to

include in the first of the purposes there set out the amount of such annual rents. A.D. 1893.

Power to purchase rents reserved under lease from water company.

32. The Corporation may if they think fit purchase or redeem by agreement all or any of the annual rents payable by them under the lease from the Saint Helens Waterworks Company dated the first day of October one thousand eight hundred and fifty-one at such price or for such consideration and upon such terms and conditions as may be agreed upon between the Corporation and the company or other the persons entitled to such rents.

Power to purchase shares in water company.

33. The Corporation may if they think fit purchase by agreement any shares in the Saint Helens Waterworks Company and the dividends or interest payable upon any shares so purchased shall be carried to the credit of the water account and be applied as part of the revenue of the water undertaking of the Corporation.

Amendment of s. 37 of Act of 1869 as to right to demand water supply.

34. The power conferred by section 37 ("Water to be supplied for domestic and other purposes on requisition") of the Act of 1869 shall apply only to any house mill manufactory farmhouse or farm buildings within twenty-five yards of any distributing water main (not being a pumping main) of the Corporation and the word "pipe" in that section shall be read and have effect as if the words "distributing water main" were substituted therefor.

Extension of s. 39 of Act of 1869.

35. Section 39 ("Corporation to lay pipes &c. on requisition") of the Act of 1869 shall be read and apply as if the words "mills manufactories or premises" were inserted in that section in lieu of the words "mills or manufactories."

Water rates payable by owners for small houses.

36. Section 51 ("Owners of houses not exceeding five pounds rent to be liable to water rents") of the Act of 1869 is hereby repealed and in lieu thereof be it enacted as follows:—

Where the rateable value of a house supplied with water does not exceed eight pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a month the owner instead of the occupier shall pay the rate for the supply provided that the rate (not exceeding the rent for the time being due from such occupier) may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

Section 52 ("Corporation may give discount to owners of groups of houses paying rents in advance") of the Act of 1869 shall be read and have effect as if the word "rateable" were inserted in lieu of the words "gross annual" and the words "eight pounds or "which dwelling-houses are let to monthly or weekly tenants or

A.D. 1893.

tenants holding for any other period less than one month" were inserted in lieu of the words "five pounds."

Supply of water in bulk beyond limits with consent.

37. It shall be lawful for the Corporation to supply water by agreement in bulk to any urban or rural sanitary authority or water company whose limits adjoin the water limits of the Corporation or through whose limits of supply any water main of the Corporation passes for such periods as the Corporation and such sanitary authority or company may from time to time agree Provided that nothing in this section shall authorise the Corporation to supply water within the limits of water supply of any sanitary authority or company except with the consent of such sanitary authority or company.

For the protection of the London and North Western Railway Company.

38. In the exercise of the powers contained in the last preceding section the following provisions for the protection of the London and North Western Railway Company (herein-after called "the railway company") shall be in force and have effect and be binding on the Corporation :—

In laying down and executing or in effecting the repairs (other than urgent repairs in case of accident) and renewals of any mains pipes or other works upon across over under or in any way affecting the railways now or hereafter belonging to or worked by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by any such railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Corporation who also shall restore and make good the roads over any such bridges level crossings and approaches which such railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations or works or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any bridge or level crossing the Corporation shall make compensation in respect thereof

to the railway company the amount of such compensation together with full costs to be recoverable from the Corporation by all and the same means as any simple contract debt is recoverable. A.D. 1893.

Part VIII.—Street Improvements.

Power to make street improvements.

39. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements hereinafter mentioned together with all necessary works and conveniences connected therewith or incident thereto and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes The street improvements above referred to and authorised by this Act are—

(1) A widening of Church Street on the northerly side thereof commencing at the house No. 51 and terminating at the Raven Hotel including both buildings;

(2) A widening of Church Street on the southerly side thereof commencing on the east side of the Old Market Place and terminating at the west side of Brownlow Street;

(3) A widening and improvement of Barrow Ormskirk and Church Streets on the north-easterly side of Ormskirk and Church Streets commencing at the Globe Inn Barrow Street and terminating at No. 5 Church Street including both buildings;

(4) A widening of Ormskirk Street on the south-westerly side thereof commencing at and including the Congregational Chapel and ending at Bridge Street;

(5) A widening and improvement of Bridge Street on its south-easterly side commencing at the Black Bull Inn and terminating at the house No. 52 Tontine Street including both buildings;

(6) A widening of Bridge Street on the north-westerly side thereof commencing at house No. 26 and ending at house No. 44 including both buildings.

Power to deviate.

40. In constructing the works by this Act authorised the Corporation may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may also deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

Correction of errors omissions &c.

41. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or

A.D. 1893.

occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Corporation may apply to two justices for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appear to the justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Time for completion of works.

42. If the works by this Act authorised are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

For the protection of the Hardshaw trustees.

43. The purchase money and compensation to be paid to the trustees of the Hardshaw estates in the county of Lancaster in respect of their estate or interest in or arising out of such of the lands required for the purposes of this Act as shall be acquired by the Corporation shall be as follows As to any of the lands in which the estate or interest of the said trustees shall consist of a rentcharge issuing thereout such rentcharge shall continue to be payable by the Corporation to the trustees at the times at which it was payable to the trustees previously to the acquisition by the Corporation of the lands charged therewith And as to any of the lands in which at the passing of this Act the estate or interest of the said trustees shall be in possession or in reversion expectant on the determination of an existing lease for lives or years the purchase money or compensation shall from the time of the purchase of such lands by the Corporation take the form of a rentcharge of which the amount (in default of agreement between the parties) shall be determined in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement Provided that such rentcharges shall be and remain upon and for the same uses trusts and purposes as those upon which the rents and profits of the lands conveyed to the Corporation stood settled or assured at or immediately before the conveyance thereof.

It shall also be lawful for the Corporation and the trustees to enter into and carry into effect any agreement under which the

Corporation may issue to the trustees stock or other security which shall secure to the trustees such annual income as may be agreed upon in substitution for the said rentcharge.

Restriction on taking houses of labouring class.

44. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servant whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to take easements &c. by agreement.

45. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Period for compulsory purchase of lands.

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

Proceeds of sale of surplus lands to be treated as capital.

47. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under this Act and shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Appropriation of certain lands for street and market purposes.

48. The Corporation may appropriate and use so much of the lands belonging to them situate in Tontine Street and formerly used as a Wesleyan Methodist Chapel and burial ground as they may think fit for the purpose of the street improvements authorised by

A.D. 1893.

this Act and the remaining portion of the said lands may be appropriated and used for market purposes.

Removal of bodies from burial ground.

49. The Corporation shall cause the remains of any person interred or deposited in any portion of the disused burial ground in Tontine Street formerly attached to the Wesleyan Methodist Chapel in that street which they may appropriate for street improvements under the powers of this Act to be removed under the superintendence of the medical officer of health for the borough and interred in some other unconsecrated ground where burials may legally take place and shall cause any monuments and tombstones in any such portion of the burial ground to be removed to and fixed or re-erected in the ground to which the bodies are removed Provided that the heirs executors administrators or relations or friends of any person whose remains shall be interred or deposited in such burial ground may if they so prefer (at the cost of the Corporation such cost not to exceed ten pounds in each case) and under such superintendence as aforesaid remove the remains of such person to any burial ground wherein burials may legally take place and remove the monument or tombstone erected to the memory of such person to any place they may think fit.

Certain sections of Act of 1869 made applicable to land purchased under this Act.

50. The following sections of the Act of 1869 shall extend and apply to lands purchased by the Corporation under this Act in connexion with the street improvements by this Act authorised:—

Section 331. Power to grant building leases of lands near streets &c.
Section 332. Power to make agreements as to building leases.
Section 333. Sale of lands subject to building leases.
Section 334. Power to sell without previous grant of building leases.
Section 335. Sales to be made within twenty years.
Section 336. Power to sell &c. lands not wanted.

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

51. And whereas in the construction of the street improvements and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the house or other building described in the deposited plans and book of reference and there numbered 34a and whereof part only is required for the purposes of this Act may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such property without

material detriment thereto be required to sell and convey to the Corporation the portion only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. A.D. 1893.

PART IX.—STREETS BUILDINGS AND SEWERS.

Corporation to carry out sewage scheme.

52. Whereas the Corporation have submitted to the Local Government Board a scheme for the construction of subsidence tanks for the treatment therein of the sewage of the borough Now therefore the Corporation shall forthwith carry out the works so proposed and shall use the best known available chemical process as shall be approved by the Local Government Board but having regard to the special local circumstances of the borough the Corporation shall be relieved from the necessity of acquiring further land for sewage purposes.

Deposit of plan to be void after certain interval.

53. The deposit with the Corporation of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say) :—

As to plans deposited after the passing of this Act within two years from the date of such deposit; and

As to plans deposited before the passing of this Act within two years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposits shall unless the Corporation otherwise determine be requisite.

Intersecting streets.

54. No new street intended to have a continuous line of buildings shall unless the Corporation otherwise allow be laid out of more than one hundred and fifty yards in length without an intersecting street.

Power to vary position or direction of new streets.

55. The Corporation may by order vary or alter the intended position or direction or level of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto and the Corporation shall make compensation to any person who may be injuriously affected by the powers conferred by this section.

Corporation may define future line of streets.

56.—(1) Where any street in the borough is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street

A.D. 1893.

The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain No new building erection excavation or obstruction shall be made nearer to the centre of the street than such line.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line as aforesaid and the street and the same when purchased shall vest in the Corporation as part of the street.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage they may sustain in consequence of such line of frontage being set back.

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty of the like amount.

Corporation may declare where streets begin and end.

57. The Corporation may by order declare the limits at or within which any street is to be taken as beginning or ending and section 107 of the Act of 1869 is hereby repealed.

Injury to streets by excavation to be made good.

58. If the footway or carriageway of any street is injured by or in consequence of any building work or surface excavation on or under such footway or carriageway or on or under lands adjoining thereto the Corporation may repair or replace the footway or carriageway so injured and may recover as a civil debt summarily or in any court of competent jurisdiction from the owner of the land on or under which the building work has been done or excavation has been made or from the person causing the injury as the Corporation may think fit all damages arising from such injury and all expenses incurred in such repair or replacement.

Fencing of vacant lands.

59. Where any vacant or waste lands are in a state to cause a nuisance to the public the Corporation may serve a notice on the owner or occupier requiring him within a time thereby limited to effectually fence the same and if the owner or occupier fails to comply with the requisitions of the notice or to keep such lands effectually fenced the Corporation may cause such lands to be effectually fenced or the fences thereof to be repaired and may recover the expenses incurred thereby summarily.

Entrances to courts &c. not to be closed &c. without consent of Corporation.

60. The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time after the commencement of this Act be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing.

Restriction on erection of any building in certain courts.

61.—(1) No building shall except with the consent of the Corporation be erected in any court on any land on which a dwelling-house was not standing at the commencement of this Act.

(2) When in any court any building is burnt or pulled down to or below half the front thereof such building shall if required by the Corporation be entirely pulled down and removed and shall not be rebuilt Provided that the Corporation shall make compensation to the owner of such building land for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt.

(3) Nothing in this section contained shall be deemed to affect any other powers of the Corporation with respect to buildings in courts.

No buildings allowed until street defined.

62. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Corporation to indicate the approved line and level thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

What to be deemed new buildings.

63. From and after the passing of this Act—

The re-conversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only; and

The roofing or covering over of an open space between walls or buildings;

shall for all the purposes of the Act of 1869 of this Act and of the Public Health Acts and of any byelaws made thereunder respectively be deemed to be the erection of a "new building" and the word "building" shall for all such purposes include an erection or building of a permanent character of whatever material constructed.

Height of buildings.

64. No new building shall without the approval of the Corporation be erected on the side of any street not existing at the passing

A.D. 1893.

of this Act which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building at any time erected on the side of any street be at any time subsequently increased without such approval as aforesaid so as to exceed such distance In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite to the centre of the front of the building up to the top of the eaves of the roof or in the case of a flat roof to the top of the parapet facing the street.

Power to prohibit cellars in part of borough liable to flood.

65. The Corporation may from time to time prohibit in any part of the borough liable to be flooded from any stream watercourse or sewer or abutting upon any stream or watercourse the construction of any cellar or basement storey in any new building being a dwelling-house and may regulate the level of the ground floor of any new building in such part of the borough.

As to space about old buildings.

66.—(1) Section 125 ("Back yards to new buildings") of the Act of 1869 shall apply as well to buildings erected before the passing of the Act of 1869 as to buildings erected after the passing of that Act except that where there is not at the commencement of this Act the prescribed area the owner shall not be required to pull down or remove any building in order to comply with the said enactment.

(2) In calculating the prescribed area no space about any building which does not contain at least ten feet by ten feet shall be taken into account and where there are back passages to any buildings no building shall be erected within twelve feet of such passage of a greater height than nine feet from the surface of the ground.

Drains not to vest in Corporation.

67. Section 149 ("Sewers and other works vested in Corporation") of the Act of 1869 shall be read and have effect as if the words "and drains" were omitted therefrom throughout that section.

Undertakings to bind successive owners.

68. Every undertaking or agreement in writing given after the passing of this Act by or to the Corporation to or by or on behalf of any owner of property on the passing of plans or for the removal of obstructions or otherwise in connexion with the property of such owner shall be binding upon the owner of the property for the time being and upon his successors in title and upon the Corporation and may be enforced by either party in any court of summary jurisdiction by a penalty not exceeding five pounds for each breach of such undertaking or agreement and a daily penalty not exceeding twenty shillings for each such breach and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement And every intending owner or lessee of property

shall be entitled to information from the Corporation as to the existence of any such undertaking or agreement affecting the property and the terms of the undertaking or agreement if any such exist.

Corporation may require old drains to be laid open for examination by surveyor before communicating with sewers.

69. Before any drain existing at the time of the passing of this Act and then not communicating with any sewer of the Corporation shall be made to communicate with any sewer of the Corporation the Corporation may require the same to be laid open for examination by the surveyor and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer and the surveyor shall cause the ground to be closed and any damage done to be made good as soon as can be and the expense of the work shall be defrayed by the Corporation.

Powers on inspection.

70. In carrying into effect section 391 ("Power to enter and inspect") of the Act of 1869 the surveyor and his assistants shall have from the builder of any building or works in progress of construction free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works.

Power of surveyor on inspecting.

71. If the surveyor on inspecting any building or work finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to any enactments or byelaws in force in the borough or to the plans and sections approved by the Corporation in pursuance of any such byelaws or whether anything required by any such enactments byelaws or plans and sections has been omitted to be done the surveyor shall within twenty-four hours after such inspection give to the owner or his agent or to the builder or person engaged in erecting such building or doing such work notice in writing requiring such builder or person within forty-eight hours from the service of such notice to cause so much of any building or work as prevents such surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down and such builder or other person shall forthwith comply with the notice so given Provided always that the expense of cutting into laying open or pulling down as the case may be any such building or work and of reinstating the same and a reasonable sum for any unnecessary delay occasioned thereby shall be borne and paid by the Corporation if it shall appear on inspection that such enactments byelaws plans and sections have not been infringed.

Exemption of Government pro-

72. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building

A.D. 1893.

perty from building regulations.

structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Part X.—Recreation Grounds.

Power to set apart land for games and regulations as to fishing and skating.

73.—(1) The Corporation may from time to time set apart portions of any park or place of public resort or recreation for the time being belonging to or held by them for cricket football archery and other games but so that the same shall be open to the public when not in use for such games and the Corporation may make byelaws for regulating the use of the portions of the park or place so set apart.

(2) The Corporation may make byelaws for regulating the fishing in and skating upon any lake or piece of water in any such park or place of public resort or recreation.

Power to provide apparatus for games.

74. The Corporation may provide swings gymnasium apparatus and apparatus for games and recreation for the use of the public frequenting the parks and places of public resort or recreation for the time being belonging to or held by the Corporation and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such swings or apparatus on such terms and conditions as they think proper.

Band of music.

75. The Corporation may from time to time pay or contribute towards the payment of a band of music to perform in any park or place of public resort or recreation for the time being belonging to or held by the Corporation as they may prescribe and the Corporation may enclose an area within which such band shall play and may make byelaws for regulating the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band Provided that the payments or contributions of the Corporation for or towards such band shall be paid out of the borough rate and shall not in any one year exceed the sum of two hundred pounds.

Chairs and seats for public use.

76. The Corporation may from time to time place or authorise any person or persons to place seats or chairs in any street park recreation ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to

charge a reasonable sum for the use of chairs and may make bye-laws for regulating the use of seats and chairs and for preventing injury or damage thereto. A.D. 1893.

Part XI.—Sanitary Powers.

Dairymen to furnish lists of customers in certain cases.

77. Whenever it shall be certified to the Corporation by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for every such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

78. Whenever it shall be certified to the Corporation by the medical officer of health that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes the Corporation may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles or has washed or mangled during the past six weeks and such person or company shall furnish such list accordingly and the Corporation shall pay to him her or them for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Medical officer may require dairymen to furnish lists of sources of their supply of milk.

79. If the medical officer of health shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or places from which he derives his supply of milk or from which he has derived his supply during

A.D. 1893.

the last six weeks and every such person failing to comply with such request shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dairymen to notify infectious disease existing among their servants &c.

80. All dairymen supplying milk within the borough from premises beyond the borough shall notify to the Corporation all cases of infectious disease among persons engaged in or in connexion with their dairies and in default shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

81. A person who knows himself to be suffering from any infectious disease shall not milk any animal or pick fruit and shall not engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread such infectious disease and if he does so he shall be liable to a penalty not exceeding twenty shillings.

Section 124 of Public Health Act to apply to persons who cannot be isolated.

82. Section 124 of the Public Health Act 1875 shall extend and apply to all cases of persons suffering from any dangerous infectious disease and being in or upon any house or premises where such person cannot be effectually isolated so as to prevent the spread of the disease.

Provision of nurses in case of infectious disease.

83. The Corporation may from time to time provide nurses for attendance upon the members of any family suffering from any infectious disease.

Prohibition of blowing or stuffing carcases.

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

Rivers streams &c. choked up to be a nuisance under Public Health Act 1875.

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

Provided always that the provisions of this section shall not apply to the London and North Western Railway Company in respect of the Sankey Brook or any of the feeders of the Saint Helens Canal in respect of which that company have statutory

rights or are subject to statutory obligations nor shall the provisions of this section apply to any culvert bridge or watercourse constructed and maintained by the said company under any special Act of Parliament or any general Act incorporated therewith.

Saving for Acts relating to animals &c.

86. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1892 or of any Act amending the same or of any order license or act of the Board of Agriculture made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Board of Agriculture or exempt any building or thing whatsoever or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

Public notice to be given of provisions of this part of Act.

87. Public notice of the provisions of this part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulated in the borough and by a notice affixed outside the town hall of the borough and by the distribution of handbills amongst the dairymen affected by such provisions.

Part XII.—Police Regulations.

Prohibition of persons assembling in streets for purposes of betting.

88. Any three or more persons assembled in any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Penalty on persons obstructing footway assaulting &c. foot passengers.

89. If two or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

As to unfenced grounds.

90. Any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and any Act for the time being in force altering or amending the same be deemed to be a public place.

Part XIII.—Hackney Carriages &c.

Penalty for fraudulent use of numbers and badges.

91. If any person fraudulently or with intent to deceive does any of the following things (namely) :—

(1) Affixes or places on any carriages tramcar or omnibus any figure or number to resemble any figure or number appointed

A.D. 1893.

by the Corporation to be affixed to any hackney carriage tramcar or omnibus; or

(2) Affixes or carries on his person any badge figure or number to resemble any badge figure or number appointed by the Corporation to be carried by a licensed driver or conductor;

he shall be liable to a penalty not exceeding forty shillings.

Powers of inspector of public vehicles.

92. The inspector appointed for that purpose may at any time examine all public vehicles plying for hire within the borough and shall see that the laws and byelaws relating to such public vehicles are duly observed If any proprietor driver or conductor or other person shall obstruct or hinder such inspector in the execution of his duties such proprietor driver conductor or other person shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Hackney carriages. Fares to or from railway stations.

93. The provisions of the Town Police Clauses Acts 1847 and 1889 with respect to the fares to be charged by the drivers and conductors of public vehicles within the borough shall be as fully applicable in all respects to public vehicles conveying passengers to or from any railway station within the borough as if such railway station were a public stand for public vehicles:

Provided that nothing in this section shall extend to or empower the Corporation in any way to interfere with any vehicle belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station or with the drivers or conductors thereof unless such vehicle plies for hire in the ordinary way.

Part XIV.—Common Lodging-houses.

Regulations as to common lodging-house keepers.

94. The keeper of every common lodging-house within the borough shall reside constantly and shall remain between the hours of nine o'clock in the afternoon and six o'clock in the forenoon in such house and shall manage control and exercise proper supervision over the same and the inmates thereof except at such times as some other person appointed by him for that purpose and whose name is registered at the office of the Corporation shall with the approval of the Corporation in writing under the hand of their officer appointed for that purpose (which approval and registration shall be revocable by the Corporation) reside and remain in such house and manage control and exercise proper supervision over the same and the inmates thereof as the case may be and the Corporation may whenever they consider such person so appointed is not a fit person for the duty appoint and employ another person for

the purpose and may recover in a summary manner any moneys paid to such person for his services from the common lodging-house keeper whose duty he performed.

Penalties on unregistered common lodging-house keepers.

95. Every person who without being registered in accordance with section 77 of the Public Health Act 1875 shall keep a common lodging-house within the borough shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to refuse registration of common lodging-house keeper.

96. The Corporation may notwithstanding the provisions of section 78 of the Public Health Act 1875 refuse to register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position.

Part XV.—Street Advertisements.

Regulations as to sky signs.

97. It shall not be lawful to erect fix maintain or retain upon or in connexion with any building or erection any sky sign whether now existing or not except with the license in writing of the Corporation (for which license a fee of five shillings may be charged) under and subject to such terms and conditions as shall be therein prescribed and no license shall be granted for a period exceeding two years:

Provided that in any of the following cases a license of the Corporation under this section shall become void namely:—

(1) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;

(2) If any change be made in the sky sign or any part thereof;

(3) If the sky sign or any part thereof fall either through accident decay or any other cause;

(4) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;

(5) If the house building or structure over on or to which the sky sign is placed or attached becomes unoccupied or be demolished or destroyed:

Provided also that if any sky sign be erected or retained contrary to the provisions of this Act or after the license for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation and for the surveyor to take down and remove the sky sign and to recover the expenses in relation thereto summarily as a civil debt:—

A.D. 1893.

Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval license or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Restriction on advertising vehicles &c.

98. It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Any person aggrieved by the refusal of the Corporation to grant such consent may appeal to a petty sessional court held in and for the borough after the expiration of two clear days after such refusal provided he give twenty-four hours written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to award costs to the successful party such costs to be recoverable in like manner as a penalty under this Act.

Part XVI.—Tramways.

Power to purchase tramways outside borough and to work tramways.

99.—(1) The power conferred on the Corporation by the Tramways Act 1870 to purchase tramways within the borough is hereby extended so as to authorise the Corporation to purchase not only the tramways within the borough but also the tramways outside the borough authorised by the Saint Helens and District Tramways Acts 1879 and 1883 and the provisions of section 43 of the Tramways Act 1870 shall apply to the whole of the tramway undertaking authorised by the said Acts of 1879 and 1883 and existing at the time of purchase as if the same were wholly situate within the borough.

Power for Corporation to work tramways in certain events.

(2) If and when the Corporation shall have acquired the said tramway undertaking or any part thereof and they are unable to demise the same upon such terms as in the opinion of the Board of Trade will yield to the Corporation an adequate rent therefor the Board of Trade may grant a license to the Corporation to work such tramways and the Corporation may thereupon work the same and may provide such plant materials and things as may be requisite or convenient therefor and in such case all enactments relating to the working of the tramways and the taking of tolls and charges therefor shall extend and apply mutatis mutandis to and in relation

to the Corporation Provided that if at any time during such working by the Corporation any company make to the Corporation a tender in writing to take a lease of and to work the tramways for such period (not being less than seven years unless the Corporation shall otherwise agree) at such rent and upon such terms and conditions as shall in the opinion of the Board of Trade be adequate and proper and such company at the same time offer to purchase the horses cars engines and fixed and movable plant of the Corporation not included in the lease at a price to be fixed (unless otherwise agreed on between such company and the Corporation) by a competent valuer to be appointed by the Board of Trade then upon payment of such price the Corporation shall demise the tramways to such company at such rent and upon such terms and conditions and during the continuance of that demise the powers of the Corporation to work the tramways shall cease and determine.

Purchase of portions of undertaking by outside local authorities.

100.—(1) If the Corporation shall under the powers of this Act acquire any tramways in any district outside the borough the local authority of any such district if by resolution passed at a special meeting of the members constituting such local authority so decide may within six months after the expiration of a period of seven years from the passing of this Act and within six months after the expiration of every subsequent period of three years or within three months after any order made by the Board of Trade under section 41 of the Tramways Act 1870 with the approval of the Board of Trade by notice in writing require the Corporation to sell and thereupon the Corporation shall sell to the local authority so giving such notice so much of the tramway undertaking as is within the district of such local authority upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever) of the tramways and all lands buildings works materials and plant of the Corporation suitable to and used by them for the purposes of their undertaking within such district such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party and the expenses of the reference shall be borne and paid as the referee directs And when any such sale has been made all the rights powers and authorities of the Corporation in respect to the undertaking sold or where any order has been made by the Board of Trade under section 41 of the Tramways Act 1870 all the rights powers and authorities of the Corporation previous to the making of such order in respect to the portion of the undertaking sold shall be transferred to vested in and may be exercised by the local authority to whom the same has been sold in like

A.D. 1893.

manner as if such tramways were constructed by such local authority under the powers conferred upon them by a Provisional Order under the Tramways Act 1870 and in reference to the same they shall be deemed to be the promoters.

(2) No such resolution shall be valid unless a month's previous notice of the meeting and of the purpose thereof has been given in manner in which notices of meetings of such local authority are usually given nor unless two thirds of the members constituting such local authority are present and vote at the meeting and a majority of those present and voting concur in the resolution.

(3) The local authority so purchasing may pay the purchase money and all expenses incurred by them in the purchase of the portion of the undertaking under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect any Provisional Order obtained by them under the Tramways Act 1870.

(4) For the purposes of this section the expressions "district" and "local authority" shall have the same respective meanings as those assigned to them by the Tramways Act 1870.

Amendment of section 41 of Tramway Act of 1883.

101. Section 41 ("Where steam or mechanical power is used contract with road authority not to be for longer than two years at a time") of the Saint Helens and District Tramways Act 1883 shall be so amended that any agreement with the road authority referred to in such section may be for such longer period than two years as may be agreed on between the road authority and any company or persons referred to in such section.

Part XVII.—Financial Provisions.

Power to borrow.

102. The Corporation may from time to time independently of any other borrowing power borrow at interest the sums of money following (that is to say):—

(a) For the purchase or redemption of the rents payable to the Saint Helens Waterworks Company and for the purchase of shares in that company such sums as may be required for those purposes;

(b) For other waterworks purposes any sum not exceeding the sum of one hundred and fifty thousand pounds;

(c) For sewerage purposes any sum not exceeding the sum of fifty thousand pounds;

(d) For or in connexion with the street improvements by this Act authorised any sum not exceeding the sum of fifty thousand pounds;

(e) For the payment of the costs of this Act as herein-after provided such sum as may be required for that purpose:

And with the approval of the Local Government Board such further moneys as may be requisite for any of the purposes aforesaid or other the purposes of this Act and for the purpose of securing the repayment of the moneys borrowed under this Act and interest the Corporation may as regards money borrowed for waterworks purposes mortgage or charge the revenue of their water undertaking and if they think fit the borough fund and borough rate and as regards moneys borrowed for the other purposes of this Act they may mortgage or charge the borough fund or rate Provided that the Corporation shall not borrow any money under this Act for the purposes (b) and (c) in this section mentioned except with the sanction of the Local Government Board.

Inquiries by and expenses of Local Government Board.

103.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

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

104. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions of Act of 1869 as to mortgages to apply.

105. The following sections of the Act of 1869 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 378. Protection to lenders from inquiry as to application of money;

Section 385. Regulations as to mortgages;

Section 386. Transfers of mortgages;

Section 388. Power to mortgagees to obtain a receiver;

Section 389. Accounts open to mortgagees:

Provided that section 378 of the Act of 1869 shall be read and have effect as if the words "or entitled" were omitted from that section and any application for a receiver under section 388 of the said Act shall be made to the High Court and the court may appoint a receiver upon such terms as they think fit.

A.D. 1893.

Period for payment off of money borrowed.

106. The Corporation shall pay off all moneys borrowed by them under the section of this Act whereof the marginal note is "Power to borrow" within the respective periods (in this Act referred to as the prescribed periods) following (that is to say):—

As to moneys borrowed for the purpose (a) within sixty years and as to moneys borrowed for the purpose (d) within forty-five years from the date or dates of the borrowing of the same respectively;

As to moneys borrowed for the payment of the costs of this Act within five years from the date of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of payment off of money borrowed.

107. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds and in regard to any sinking funds formed under this Act the provisions of section 15 of the Local Loans Act 1875 shall apply Provided that no such sinking fund shall be invested in any securities of the Corporation.

Power to re-borrow.

108. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be re-paid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the re-payment of the loan and to the provision to be made for such re-payment shall not be diminished by reason of such re-borrowing.

Application of money borrowed.

109. Moneys borrowed by the Corporation under this Act shall be applied only for purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

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

110. The treasurer of the borough 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 any instalment is required to be paid under this Act or the recited Acts transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or

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 also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof 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 the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act or the recited Acts for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act or the recited Acts 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 High Court Section 26 of the Act of 1882 and Article VI. of the Order relating to the borough confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891 are hereby repealed.

Expenses of execution of Act.

111. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and rate or highway rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Power to invest sinking fund in statutory securities.

112. It shall be lawful for the Corporation to invest any sinking fund provided or established by them under this Act the recited Acts or any other local Act in any statutory securities.

Superannuation and provident fund.

113.—(1) It shall be lawful for the Corporation to establish in manner herein-after provided a superannuation and provident fund for the provision of payments or other allowances on death superannuation resignation retirement or discharge to persons in the employment of the Corporation being contributors to such fund.

(2) The Corporation may prepare and approve by resolution a scheme or schemes for the establishment of such fund and may

A.D. 1893.

determine in and by any such scheme the following matters and things or any of them (that is to say):—

What classes of persons shall be entitled to contribute to and participate in the benefit of the fund and to what extent such contribution shall be payable by persons in the service of the Corporation provided that no officer or servant in the service of the Corporation at the passing of this Act shall be obliged to contribute to the fund except with his consent;

The division of the persons contributing to and to be benefited by the fund into two or more classes according to the amount of salary or according to such other conditions as the Corporation shall determine power being reserved by the scheme to remove any contributor from the one class to the other provided that no such removal shall place the contributor or his representatives in a worse position than he would have occupied if the removal had not been made;

What (if anything) shall disqualify any person in the employ of the Corporation from becoming a contributor to the fund and participating in the benefits thereof;

Under what circumstances any person having being a contributor to the fund shall cease to continue a contributor and to be entitled to participate in the benefits thereof;

What proportion (if any) of his own contributions to the fund any person having been but voluntarily ceasing to be a contributor thereto shall be entitled to receive;

What proportion (if any) of the additions made by the Corporation to the fund in respect of the contributions of any member shall be payable to the representatives of such member in the event of his dying before he becomes entitled to any benefit under the scheme on superannuation resignation or retirement;

The per-centage or proportion not exceeding without the consent of the Secretary of State two pounds ten shillings per centum of their salaries or wages which shall be payable to the fund by the contributors;

The age at which or other circumstances in which a person shall become entitled to benefit under any scheme so that no person not incapacitated by illness shall be entitled to benefit (except by way of return of his own contributions with interest under sub-section 4 of this section) at a less age than sixty;

The payment to a person entitled to benefit under any scheme either by way of a gross sum or by way of an annuity;

The rate not exceeding three pounds ten shillings per centum at which interest whether simple or compound shall be calculated

in respect of the moneys contributed to the fund by the contributors and by the Corporation respectively;

The future management and direction of the fund and the number of and mode of appointment of the committee for administering and managing the same and the powers to be conferred upon the committee with respect to such administration and management and whether any and if any what persons other than members of the Corporation should form part of or be associated with the said committee for the purposes of the administration and management of the fund;

The securities upon which the moneys received on account of the fund shall from time to time be invested;

And generally all such other matters and things in relation to the fund as the committee to be appointed under this Act shall deem fit and proper to form part of and to be included in such scheme.

(3) The accounts of the Corporation under this section shall be audited in the same manner as the accounts of the Corporation as an urban sanitary authority.

(4) Any scheme under this section shall contain the following provisions:—

Any contributing member leaving the service of the Corporation in consequence of reduction or alterations in the establishment or from his services being discontinued from any cause other than fraud or dishonesty or misconduct which involves pecuniary loss to the Corporation shall be entitled to receive back the whole amount of his own contributions with such interest as shall have accrued thereon under the scheme and shall have no further claim upon the fund;

Any contributing member retiring from the service of the Corporation before superannuation bonâ fide of his own accord and not to escape dismissal for fraud or dishonesty or misconduct which involves pecuniary loss to the Corporation shall be entitled to receive back the whole amount of his own contributions to the fund with interest as aforesaid and shall have no further claim upon the fund;

The legal personal representatives of any contributing member who (not having been guilty of fraud or dishonesty or misconduct which involves pecuniary loss to the Corporation) shall die before he becomes entitled to any benefit under the scheme on resignation or retirement shall be entitled to receive back the whole contributions of such member with interest as aforesaid and shall have no further claim upon the fund;

Any contributing member dismissed the service of the Corporation for fraud or dishonesty or misconduct which involves

A.D. 1893.

pecuniary loss to the Corporation shall at the discretion of the Corporation forfeit all or any part of his contributions and lose all benefits from the fund except such return (if any) as may at such discretion be made to him out of his own contributions;

Any contributing member who shall become entitled to superannuation shall be entitled to payment as follows If by way of a gross sum the total amount of the contributions made by him to the fund and of the equivalent contributions made by the Corporation with interest thereon and if by way of an annuity such an amount as shall be determined by actuarial calculation to be of equal value to such gross sum as aforesaid.

(5) The Corporation shall once in five years cause the state of the fund to be investigated by an actuary appointed by them and if satisfied by the report of such actuary that an addition specified in such report may be made to all annuities payable within a period of five years without risk that a deficiency in the funds may at any future time be thereby caused they may direct such addition to be made in all annuities for the period of the five years following.

(6) The Corporation shall supply a copy of any scheme in force under this Act at a price not exceeding sixpence to any person in the employ of the Corporation interested in the fund or the representatives of any such officer or servant in case of death and shall supply gratuitously to every officer or servant or other person having an interest in the fund a copy of the last annual balance sheet of the same for the time being.

(7) The Corporation shall at the end of each and every half year after the establishment of the superannuation fund contribute thereto a sum at least equal in amount to the sum which during the same half year has been contributed thereto by the persons in the employ of the Corporation.

(8) All such sums shall be paid out of the same fund or rate as the salary or wages of the contributing member.

(9) In the event of the moneys standing to the credit of the fund being at any time inadequate for the payment to contributing members of the sums to which they will be entitled under the provisions of the scheme the amount of any deficiency shall from time to time be made good by the Corporation.

(10) The Corporation may also out of the borough fund or borough rate pay any salaries costs and expenses of the management and administration of the fund and of and incidental to investments.

(11) It shall be lawful for the Corporation in their discretion to increase the amount of the annuity under sub-sections 4 and 5 of this section to which an officer may become entitled to a sum not exceeding the amount of the pension which might be granted to

such officer under section 428 of the Act of 1869 but in any such case they shall from time to time pay into the superannuation fund out of the fund or rate from which the salary or wages of such officer were payable a sum or sums equivalent to the amount of such increase.

(12) It shall be lawful for the Corporation from time to time to enter into and carry into effect any contract with any company carrying on the business of life assurance or provident fund for the undertaking by such company of the liabilities of the Corporation under any scheme or schemes made under this part of this Act or any of them.

(13) It shall be lawful for the Corporation from time to time on the recommendation of the committee but subject to the provisions of this Act to alter any portion of any scheme But no contributor nor the representatives of any contributor shall by reason of any such alteration be placed in any worse position than if the alteration had not been made.

Repeal of s. 358 of Act of 1869 and provision as to rating of owners &c.

114. Section 358 of the Act of 1869 is hereby repealed and in lieu thereof be it enacted that the provisions of the Poor Rate Assessment and Collection Act 1869 shall apply as well to the rates leviable under the Act of 1869 as to the poor rate Provided that the limit of rateable value of hereditaments in respect of all such rates shall be thirteen pounds.

As to recovery of rates.

115. In addition to the powers conferred upon the Corporation for the recovery of rates under the Act of 1869 the Corporation may recover such rates summarily as a civil debt under the Summary Jurisdiction Acts.

Power for reduction or remission of rates in certain cases.

116. The Corporation shall have the same powers and authority with regard to the reduction or remission of rates rents and charges levied under the recited Acts as is given by section 225 of the Public Health Act 1875 with regard to rates levied under that Act.

Local Government Board may prescribe form of rate &c.

117. The Local Government Board may prescribe a form of rate which may include the poor rate borough rate highway rate or other rates and in respect of such rates may prescribe the form of demand note and of rate receipts and any forms so prescribed shall be sufficient in law.

Repeal of sections as to limit of borough rate.

118. Sections 351 ("Limit of borough rate") and 352 ("Power to increase amount of borough rate with consent of ratepayers") of the Act of 1869 are hereby repealed.

A.D. 1893.

Part XVIII.—Miscellaneous Provisions.

Repeal of ss. 195 218 and 325 of Act of 1869.

119. The following sections of the Act of 1869 are hereby repealed (that is to say):—

Section 195 ("23 & 24 Vict. c. 84 applied to the borough");

Section 218 ("Powers of the Acts 5 & 6 Will. IV. c. 63 and 22 & 23 Vict. c. 56 extended to the borough");

Section 325 ("Execution of licensing powers as to gunpowder petroleum &c."):

And notwithstanding anything contained in section 6 of the Act of 1869 the Public Health Act 1875 and the Acts amending the same shall be deemed to have been in force in the borough from the passing thereof.

Compensation how to be determined.

120. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided for by the Public Health Act 1875 or any Act amending the same.

Withdrawal of limit as to quantity of land to be held by Corporation.

121. Section 327 ("Power to acquire additional land by agreement") of the Act of 1869 shall be read and have effect as if the proviso at the end of that section were omitted.

As to appeal.

122. Any person deeming himself aggrieved by any order judgment determination or requirement or the making or withholding of any certificate license or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order the Corporation may in like manner appeal.

Recovery of penalties &c.

123. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner.

Authentication and service notices.

124. In the case of any notice or other such document under this Act requiring authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Acts of 1869 are authorised to be served Provided always that in the case of any company any such notice or document shall be delivered or sent by

post addressed to the secretary of the company at their principal office or place of business. A.D. 1893.

Any license granted by the Corporation under any local or general Act may be under the hand of the town clerk.

General provision as to byelaws.

125. All the provisions with respect to byelaws contained in sections 182 to 185 (both included) of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws from time to time made by the Corporation under the powers of this Act.

Judges not disqualified.

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

Costs of Act.

127. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys to be borrowed on the security of that fund and rate.

A.D. 1893.

The SCHEDULE.

Part I.

(A) Description of the Existing Borough.

The same as that set forth in the Royal Charter of Incorporation dated the fifth day of March in the thirty-first year of the reign of Her present Majesty.

(B) Description of the Added Area.

The added area comprises that portion of the township of Eccleston beyond the existing borough which is bounded by the present borough boundary and by a line drawn from such boundary at the point where it abuts upon the entrance to the annex to the County Asylum along the footpath leading therefrom to Scholes Lane thence across such lane to a fence crossing a footpath leading from Springfield Row thence along such fence (which bounds the property of Oliver Lymes charity) to the Prescot Road thence across the said road and along the westerly side thereof to its junction with an occupation road leading to and past Eccleston Hall Home Farm thence along the eastern side of such oocupation road to its junction with Knowsley Road near to the said farm thence northerly along the east side of the said Knowsley Road to an occupation road leading to a footpath to Windle Bridge thence along such occupation road and footpath to Kiln Lane thence along Kiln Lane on the southern side thereof to the said Windle Bridge and thence along the township boundary to a point where it joins the present borough boundary of the borough And also that portion of the township of Windle beyond the existing borough which is bounded by the present boundary of the borough and by a line drawn from the said borough boundary at the point where it joins the southern boundary of the said township along such township boundary to Windle Bridge aforesaid thence for a distance of 320 feet along the fence on the southern side of Kiln Lane thence across the said lane and in a north-easterly direction along the centre of the open ditch to the northern side of Rainford Road thence for a distance of 60 feet along the said road on the north side thereof in an easterly direction thence in a north-easterly direction along the fence on the western side of the private road leading to the south-western corner of the cemetery thence along the western and northern boundary of the said cemetery across the road leading from Windle Hall to Hard Lane along the easterly side of the said last-mentioned road to its junction with Hard Lane thence in an easterly direction along the northerly side of Hard Lane to a point where it is joined by a proposed new road (being a continuation of City Road and leading from Windle City to Moss Bank Station and now in the course of constructure) thence on the west side thereof to the junction of such proposed new road with another proposed new road thence along such further proposed new road on the north-east side

thereof to Washway Lane thence along Washway Lane on the north side thereof in an easterly direction and across Green Leach Lane thence along the said lane on the north-east side thereof to the present boundary of the borough at the centre of the waste land lying at the junction of Back Lane with Merton Bank Lane and Gerards Lane. A.D. 1893.

Part II.

Description of Extension of Wards.

North Eccleston Ward.

So much of the added area as lies north of the centre of Knowsley Road and is situate within the township of Eccleston shall be added to and form part of the North Eccleston Ward.

South Eccleston Ward.

So much of the added area as lies south of the centre of Knowsley Road and is situate within the township of Eccleston shall be added to and form part of the South Eccleston Ward.

North Windle Ward.

So much of the added area as is situate within the township of Windle shall be added to and form part of the North Windle Ward.

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