CHAPTER clxxxv.

An Act to extend the Limits of the Town and Urban Sanitary District of Whitehaven; and for other purposes. A.D. 1879.

[24th July 1879.]

WHEREAS the several Local Acts relating to the port, harbour, and town of Whitehaven enumerated in the First Schedule to this Act are wholly or partially in force, and are in this Act collectively referred to as "the former Acts," and separately as an Act of the year in which it was passed:

And whereas the town and harbour of Whitehaven are governed by the Trustees (numbering twenty-one) acting in the execution of the former Acts:

And whereas under the provisions of the Acts of 1708 and 1761 two thirds of the Trustees were elective and chosen by ballot, and the other third were nominative, and consisted of the lord of the manor of Saint Bees in the county of Cumberland, or his deputy, and six other persons nominated, appointed, and changed from time to time by the lord of the said manor: 7 Anne c. v. 2 G. 3. c. lxxxvii.

And whereas by the Act of 1859 the number of the elective and nominative Trustees were respectively increased and reduced by one, the number of elective Trustees being now fifteen, and the nominative (including the lord of the said manor or his deputy) six, making twenty-one, and by the Act of 1859 further provision was made for the election of the elective Trustees: 22 Vict. c. xiv.

And whereas by the Act of 1876 it was declared that the Trustees should be the urban sanitary authority and should be invested with and should exercise the powers and authorities conferred upon urban sanitary authorities by the Public Health Act, 1875, within and with relation to the town of Whitehaven, but the provisions of the Act of 1859 with respect to the composition of the Trustees, their qualifications, the time or mode of their election, nomination, or appointment, the qualification of the electors, and the time or mode 39 & 40 Vict. c. cv. 38 & 39 Vict. c. 55.

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of conducting the elections and proceedings of the Trustees remained in force:

And whereas it is expedient that further provision be made relative to the election of the elective Trustees, including the regulation of the ballot by the application of the Ballot Act, 1872, and the better prevention of corrupt practices by the application of the Corrupt Practices (Municipal Elections) Act, 1872:

35 & 36 Vict. c. 33.

35 & 36 Vict. c. 60.

And whereas by the Act of 1816 a limited power was conferred upon the Trustees of extending the powers of that Act and the then former Acts beyond the limits of those Acts in certain cases, and the limits have, previously to the passing of the Public Health Act, 1872, been so extended, but such power of extension (if still subsisting) is wholly inadequate for the requirements of the case:

56 Geo. 3. c. xliv.

35 & 36 Vict. c. 79.

And whereas it is expedient for sanitary and other purposes that the urban sanitary district and the limits and jurisdiction of the Trustees be extended, and that provision be made for rediviling the town as extended by this Act into wards, and for defining the names and boundaries of the wards, and the number of Trustees to be elected for each ward:

And whereas it is expedient that further provision should be made with respect to the supply of water to the higher parts of the water district of the Trustees:

And whereas it is expedient to authorise the Trustees to borrow money for the purposes of the former Acts, and to amend the former Acts with respect to borrowing powers and other matters:

34 & 35 Vict. c. xci.

And whereas the works authorised by the Acts of 1871 and 1876 have not yet proved remunerative, and it is expedient that the time by those Acts limited for the commencement of a sinking fund for repayment of moneys borrowed for harbour purposes should be extended:

And whereas estimates have been prepared by the Trustees for the execution of the works for which money is by this Act authorised to be borrowed, and such estimates are as follows:

For waterworks purposes, ten thousand pounds;

For sewage purposes, five thousand pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act, 1875:

And whereas an absolute majority of the whole number of the Trustees at a meeting held on the third day of December one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting, and of the purpose

thereof, in the West Cumberland Guardian and Whitehaven Herald, a local newspaper published and circulating in the town, such notice being in addition to the ordinary notices required for summoning such meeting, resolved that the expenses in relation to promoting the Bill for this Act should be charged as follows; viz., to the harbour funds two fifths of such expenses, to the waterworks funds and rates two fifths of such expenses, and to the lamp and paving rates and town funds one fifth of such expenses:

And whereas such resolution was published twice in the said local newspaper, and has received the approval of the Local Government Board in respect of matters within their jurisdiction, and in respect of other matters of one of Her Majesty's Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Trustees at a further special meeting held in pursuance of a similar notice on the twentieth day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the said town, 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 the purposes of this Act cannot be effected without the authority of Parliament:

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

PART I.—Preliminary.

Short title.

1. This Act may be cited as the Whitehaven Town and Harbour Act, 1879, and this Act and the former Acts may be cited together as the Whitehaven Town and Harbour Acts, 1708 to 1879.

Division of Act into parts.

2. This Act is divided into parts; as follows,

Part I.—Preliminary:
Part II.—Extension of the town:
Part III.—Election of Trustees:
Part IV.—Water:
Part V.—Borrowing powers:
Part VI.—Miscellaneous.

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Repeal of parts of former Acts.

3. The enactments of the former Acts described in the Second Schedule to the extent specified in the second column thereof, and all other enactments of the former Acts inconsistent with this Act, are hereby repealed; but this repeal shall not operate retrospectively, nor invalidate anything already made, done, or executed under the authority or in pursuance of the repealed enactments.

Former Acts and this Act to be construed together.

4. The former Acts (as respectively amended by any of the former Acts and by this Act) and this Act shall be construed together as one Act.

Commencement of Parts II. and III. of Act.

5. Except where otherwise expressly provided, Parts II. and III. of this Act shall not come into operation until Tuesday the fourth day of November one thousand eight hundred and seventy-nine; provided nevertheless, that as to Parts II. and III. of this Act the following temporary provisions shall have effect; (that is to say,)

(i.) For all the purposes of and for all proceedings or things to be done or taken, whether within the added area or the existing town, in or towards the preparation and completion of the lists of occupiers, ward lists, and register of voters, or other lists or registers to be made under this Act and the former Acts, and for all the purposes (including the provisions of this Act with respect to the ballot and corrupt practices) preliminary or incidental to any election to take place in the town or in any ward thereof on or after the said fourth day of November one thousand eight hundred and seventy-nine, this Act shall come into operation immediately on the passing thereof:

(ii.) For all the purposes of any such lists or register, and of the functions of overseers, and the Trustees and the clerk of the Trustees under this Act and the former Acts in relation thereto respectively, and for all the purposes of occupation, rating, or any other matter of qualification within or with reference to the added area that area shall be deemed to have always formed part of the town, and for these purposes this Act and the former Acts shall have effect as if the provisions of this Act for defining the number of wards and the number of elective Trustees for each ward took effect on the passing of this Act.

Interpretation of terms.

6. In this Act the following words and expressions have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

"The existing town" and "the existing sanitary district" (shown on the town plan herein-after referred to, and thereon surrounded by a black colour) mean respectively the said town and urban sanitary district as the same existed at and before the passing of this Act:

"The town" and "the sanitary district" mean respectively the town and the urban sanitary district of Whitehaven as extended by this Act:

"The parliamentary borough" means the parliamentary borough of Whitehaven as defined by an Act (2 and 3 William IV. chapter sixty-four), intituled "An Act to settle and describe "the divisions of counties and the limits of cities and boroughs "in England and Wales, in so far as respects the election of "members to serve in Parliament:"

"Parliamentary election" means an election of members to serve in Parliament:

"The added area" means such parts of the parliamentary borough as are added to the existing town by this Act:

"The Trustees" means the Trustees for the time being acting in the execution of this Act and the former Acts:

"Elective Trustees" and "elective Trustee" mean respectively the Trustees and Trustee elected under the provisions of this Act and the former Acts:

"Chairman" means the chairman for the time being of the Trustees:

"Candidate" means a person elected or having been nominated or having declared himself a candidate for election as an elective Trustee:

"Harbour purposes" means purposes in connexion with the harbour and dock:

"Town purposes" means purposes in connexion with the existing town other than harbour purposes:

"Schedule" means Schedule to this Act.

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act, or any part thereof, shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated with this Act, or any part thereof, shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expres-

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sion is used were a common simple contract debt, and not a debt or demand created by statute.

PART II.—EXTENSION OF THE TOWN.

Extension of the town.

7. On and after the commencement of this part of this Act, and subject to the provisions thereof, so much and such parts of the area of the parliamentary borough as are described in the Third Schedule shall be added to the existing town and the existing sanitary district, and be included within and form part of the town and sanitary district for all purposes whatsoever, and shall for all purposes cease to be included in or to form part of any rural sanitary district.

Plan of town and deposit thereof.

8. The boundaries of the town and urban sanitary district as altered and extended by this Act are shown on the town plan signed in triplicate by the Right Honourable the Earl of Devon, the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, and within one week after the passing of this Act one of the said plans so signed shall be deposited in the office of the Clerk of the Parliaments, and the others at the office of the clerk of the Trustees, and at the office of the clerk of the peace for the county of Cumberland respectively.

Authority of Trustees extended.

9. Subject to the provisions of this Act, the jurisdiction, powers, rights, privileges, authorities, and duties of the Trustees acting in the execution of such of the provisions of the former Acts relative to town purposes as are at the commencement of this part of this Act in force within the existing town, and of the Trustees acting as the sanitary authority for the existing sanitary district, and of all officers and servants of the Trustees, shall extend to and throughout the town and the sanitary district, and, subject to the provisions of this Act, all enactments, byelaws, regulations, and orders relative to town purposes immediately before the commencement of this part of this Act in force within or applicable to the existing town and existing sanitary district shall extend and apply to the town and the sanitary district.

Added area exempt from highway and other rates.

10. On and after the commencement of this part of this Act, all lands, houses, property, and hereditaments within the added area, and all persons in respect of the same, shall be exempt from—

(i.) All highway rates to be made in respect of the parish, township, or highway district in which the same are respectively situate:

(ii.) All rates to be made by or for the purposes of the rural sanitary authority of the district of which the added area previously formed part.

Exemptions not to affect past rates.

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

Division of town into wards, &c.

12. The town shall continue to be divided into five wards, having respectively the names of the five wards constituting the existing town, and having respectively the boundaries described in the Fourth Schedule, and shown upon the town plan signed in triplicate and to be deposited as aforesaid, and each ward shall continue to return three elective trustees.

Copies of town plan to be evidence.

13. Copies of the town plan deposited with the clerk of the Trustees, or any extract therefrom certified by him to be true, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents of such plan, and such plan shall at all reasonable times be open to the inspection of the persons liable to rates imposed by the Trustees, or entitled to vote in the election of Trustees, and all such persons shall be entitled to a copy of or extract from such plan certified by such clerk, upon payment of a reasonable fee for every such copy or extract.

Certain kinds of property to be assessed on one fourth of their net value.

14. With respect to all rates to be levied by the Trustees within the town and the sanitary district, the owner of any tithe commutation rentcharge, and the occupier of land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water or used only as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one fourth part only of the net annual value thereof.

PART III.—Election of Trustees.

No bankrupt to be elected a Trustee.

15. No person who is a bankrupt or whose affairs are under liquidation by arrangement, or who has entered into any composition with his creditors, shall be capable, so long as any proceedings in relation to such bankruptcy, liquidation, or composition are pending, of being elected a Trustee.

No unqualified or bankrupt Trustee to continue in office.

16. No member who ceases to hold his qualification or becomes bankrupt, or submits his affairs to liquidation by arrangement, or compounds with his creditors, or is absent from meetings of the Trustees for more than six months consecutively, unless in case of illness, shall continue to be a Trustee, but his office shall thereupon become vacant; provided that this section shall not be retrospective.

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Provision as to retirement of or continuance of elective Trustees.

17. The elective Trustees for the existing Saint James Ward, Saint Nicholas Ward, Trinity Ward, Newtown Ward, and Harbour Ward respectively, holding office on the third day of November one thousand eight hundred and seventy-nine, shall, on the fourth day of November one thousand eight hundred and seventy-nine, for the purposes of retirement or continuance in office, be deemed to be the elective Trustees of those wards respectively as altered by this Act, and shall retire or continue in office as if this Act had not passed.

Subsequent elections of Trustees.

18. Subject to the provisions of this Act, all elections, vacancies of office, and rotations of elective Trustees shall be regulated and governed by the former Acts.

Additions to register of voters.

19. The following additional provisions shall have effect with respect to the register of voters:

(i.) The clerk of the Trustees shall cause each ward list or list constituting the register to be made out with the names arranged in alphabetical order, and numbered consecutively throughout, beginning with the number one:

(ii.) Each name to be added to the register under the provisions of section fourteen of the Act of 1859 shall be so added to the ward list of the ward in which the voter whose name is to be added is entitled to vote, or in which his or her name ought to be inserted in its proper alphabetical order, and shall be numbered with the same number as the preceding name, with the addition of a letter of the alphabet.

Time for objections to register of voters.

20. Every notice of objection to the name of a voter included in the register of voters shall be given in the manner provided by section 15 of the Act of 1859, and before one o'clock in the afternoon of the Saturday immediately preceding the first Tuesday in November in each year.

Regulating ballot by applying 35 & 36 Vict. c. 33.

21. Subject to the provisions of this Act, if an election of Trustees is contested the poll shall, as far as circumstances admit, be conducted in the same manner as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted; and subject to the modifications expressed in the Fifth Schedule, the provisions of the Ballot Act, 1872, relating to a poll at a parliamentary election (including the provisions relating to the duties of the returning officer after the close of the poll) shall apply to a poll at an election of Trustees.

Provisions on expiration of

22. Subject to the provisions of this Act, if and whenever the Ballot Act, 1872, ceases to be in force the following provisions

shall have effect with respect to the poll at an election of Trustees where there is a contest thereat:

35 & 36 Vict. c. 33.

(1.) If on such cesser new or substituted enactments are in force for providing that the poll at a contested parliamentary election shall be by ballot, then so much of this Act as directs that the poll at a contested election of Trustees shall be conducted in the same manner as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and as applies the provisions of the Ballot Act, 1872, to a poll at an election of Trustees, shall be deemed to refer to such new or substituted enactments so far as the same are applicable to a poll at a contested election of Trustees, and the same shall, mutatis mutandis, and subject to such of the provisions of the Fifth Schedule as are applicable, apply to a poll at a contested election of Trustees:

(2.) If on such cesser no such new or substituted enactments as aforesaid are in force, then so much of this Act as directs that the poll at a contested election of Trustees shall be conducted in the same manner as the poll at a contested parliamentary election, and as applies the provisions of the Ballot Act, 1872, to a poll at an election of Trustees, shall, notwithstanding such cesser, continue to be in force, and as if the provisions of the Ballot Act, 1872, by this Act referred to and applied had not ceased to be in force.

Prevention of corrupt practices at elections.

23. Subject to the provisions of this Act, the Corrupt Practices (Municipal Elections) Act, 1872, and any general rules for the time being in force thereunder, as far as they respectively apply to England, shall apply to the town and sanitary district, and that Act and those rules respectively shall, as far as is consistent with the tenor thereof, and subject to the modifications expressed in the Sixth Schedule, be construed as one with the Acts for the time being in force relating to the town and to elections of Trustees.

Provision in case of repeal of 35 & 36 Vict. c. 60.

24. Subject to the provisions of this Act, if the Corrupt Practices (Municipal Elections) Act, 1872, is wholly or partially repealed in this or any subsequent session of Parliament, and other enactments are substituted in lieu thereof respectively, then the enactments of this Act referring to the said Act, or any enactment thereof, shall be construed as referring to such substituted enactments, or to the corresponding substituted enactment, as the case may require.

Ballot Act, &c. only to apply for three years.

25. The provisions of this Act contained in the four last preceding sections hereof shall continue in force till the first day of

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September one thousand eight hundred and eighty-two, and no longer, unless Parliament shall otherwise determine, and on the said day such of the enactments described in the Second Schedule as relate to a poll or the ballot shall be thereupon revived; provided that such revival shall not affect any act done, any rights acquired, or any liability or penalty incurred, or any proceeding pending under the said provisions of this Act, but such proceedings shall be carried on as if such provisions had continued in force.

Provisions as to withdrawal, &c. of a candidate.

26. Where the number of candidates for any ward exceeds that of the vacancies for that ward any candidate may withdraw by notice signed by him and delivered to the presiding officer of such ward, or to the clerk of the Trustees, not later than four o'clock in the afternoon of the day of his having been proposed; provided that such notices shall take effect in the order in which they are so delivered, and that no such notice shall have effect so as to reduce the number of candidates ultimately standing proposed below the number of vacancies.

Saving former Acts as to elections.

27. Except so far as relates to the taking of a poll where an election of Trustees is contested, and except as expressly varied by this Act, an election of Trustees shall be conducted in the manner in which it would have been if this Act had not passed.

PART IV.—Water.

Charges for high level water supply.

28. If any dwelling-house, inn, hotel, tavern, or other similar premises be supplied with water from any reservoir to be hereafter constructed by the Trustees which is itself supplied by pumping the Trustees may add to the water rate, rent, or charge which would have been payable under the former Acts in respect of every such dwelling-house or other premises as aforesaid if it had been supplied with water under the former Acts an additional sum not exceeding one half of the amount which would have been so payable as aforesaid.

Amendment of section 3 of 27 & 28 Vict. c. cxxi.

29. Section 3 ("limits of this Act") of the Act of 1864 shall be construed to refer and to have referred from the passing of that Act to section 26 ("trustees may supply water by agreement") of that Act instead of to section 27 ("application of moneys") of the same Act, and anything heretofore done in pursuance of that Act as so construed shall be as valid for all purposes as if the error in the said section 3 in its intended reference to the said section 26 had not been made.

PART V.—Borrowing Powers.

Sinking fund for moneys borrowed for harbour purposes.

30. The period for the formation of the sinking fund for the repayment of moneys authorised to be borrowed for harbour purposes under the Acts of 1871 and 1876 shall commence and be calculated from the end of four years from the passing of this Act.

Power to borrow for town purposes.

31. The trustees may from time to time (in addition to any moneys which they are now authorised to borrow for town purposes) borrow at interest on the following securities, and for the following town purposes, such moneys as they may from time to time think requisite for those respective purposes, not exceeding the following sums; (that is to say,)

(1.) For waterworks purposes, on the security of the water rate, the sum of ten thousand pounds:

(2.) For sewerage purposes, on the security of the sewerage rate, the sum of five thousand pounds.

Mode of borrowing for town purposes and repayment.

32. The moneys authorised by this Act to be borrowed for town purposes shall be borrowed in manner provided by the Act of 1876 for the borrowing of moneys thereby authorised to be borrowed for town purposes, and the provisions contained in that Act for the repayment of the last-mentioned moneys, as amended by this Act, shall apply to the moneys authorised to be borrowed by this Act for town purposes.

Sinking fund for moneys borrowed for town purposes.

33. The period for the formation of the sinking fund for the repayment of the moneys authorised to be borrowed for town purposes under the Act of 1876 and this Act shall commence and be calculated from the end of one year from the passing of this Act.

Annual return to Local Government Board with respect to sinking fund for town purposes.

34. The clerk to the Trustees 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 under the Act of 1876 and this Act in respect of moneys borrowed for town purposes, transmit to the Local Government Board a return in such form as may be required by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or otherwise paid 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 returns

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such clerk making such default shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Trustees have failed to set apart the sum required by the Act of 1876 and this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by the Act of 1876 and this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Application of moneys.

35. All moneys borrowed by the Trustees under this Act shall be applied for the purposes for which the same are by this Act authorised to be borrowed, and to which capital is properly applicable, and not otherwise.

Priority of existing mortgages.

36. The mortgages granted by the Trustees before the passing of this Act, and in force at the passing of this Act, shall, while in force and with respect to the fund, security, or rate comprised in such mortgages respectively, have priority over all mortgages granted under this Act on the security of the same fund, security, or rate.

Protection of lenders from inquiry.

37. Any person lending or paying money to the Trustees shall not be bound or entitled to inquire as to the observance by them of any of the provisions of this Act, or be bound to see to the application or be answerable for any loss or non-application of such money, or any part thereof.

Provisions as to re-borrowing, appointment of a receiver, and borrowing from Public Works Loan Commissioners.

38. The following provisions of the Act of 1876; viz.,

Section 49 (re-borrowing);

Section 50 (arrears may be enforced by appointment of a receiver);

Section 53 (as to borrowing from Public Works Loan Commissioners);

shall (mutatis mutandis) apply to the moneys authorised to be borrowed by this Act: Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made, and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall for the purpose of section fifteen of the Local Loans Act, 1875, be deemed to form the same loan; and the obligations of the Trustees with respect to the sinking fund to be set

38 & 39 Vict. c. 83.

aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

PART VI.—Miscellaneous.

Effect of Schedules.

39. The Schedules shall be read and have effect as if they were part of this Act.

Rebate of tonnage rates for Outer Harbour.

40. Notwithstanding anything contained in any of the former Acts, the Trustees in their discretion may, in respect of vessels entering or leaving that part only of the harbour of Whitehaven known as the Outer Harbour, allow such a rebate not exceeding a rebate of one half from the tonnage rates and duties for the time being in force under the former Acts, or any of them, as the Trustees from time to time think reasonable, but subject in all respects to the provisions of section 30 of the Harbours, Docks, and Piers Clauses Act, 1847. 10 & 11 Vict. c. 27.

Expenses of Act.

41. The costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing this Act, or otherwise in relation thereto, shall be paid by the Trustees out of any of their funds applicable to town or harbour purposes; but the Trustees shall charge two-fifth parts thereof to the harbour funds, two-fifth parts thereof to the waterworks funds and rates, and one-fifth part thereof to the lamp and paving rates and town funds.

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SCHEDULES.

FIRST SCHEDULE.

FORMER LOCAL ACTS relating to the PORT, HARBOUR, and TOWN of WHITEHAVEN.

Title or abbreviated title.	Year, statute, and chapter.
An Act for preserving and enlarging the harbour of Whitehaven in the county of Cumberland.	1708.—7 Anne cap. 5.
An Act for enlarging the term for payment of certain duties granted in and by an Act of Parliament passed in the seventh year of Her Majesty's reign, intituled An Act for preserving and enlarging the harbour of Whitehaven in the county of Cumberland.	1711.—10 Anne cap. 3.
An Act for making more effectual two Acts of Parliament passed in the 7th and 10th years of Her late Majesty Queen Anne for preserving and enlarging the harbour of Whitehaven in the county of Cumberland, and for repairing and amending the high roads leading to the said harbour and town of Whitehaven.	1739.—13 George II. cap. 14.
An Act for continuing so much of an Act passed in the 13th year of King George the Second, intituled An Act for making more effectual two Acts of Parliament passed in the 7th and 10th years of Her late Majesty Queen Anne, for preserving and enlarging the harbour of Whitehaven in the county of Cumberland, and for repairing and amending the high roads leading to the said harbour and town of Whitehaven, as relates to the preserving and enlarging of the said harbour.	1760.—1 George III. cap. 44.
An Act for enlarging the term and powers of the several Acts of Parliament relating to the harbour of Whitehaven in the county of Cumberland, and to the roads leading to the said harbour and town of Whitehaven; and for further enlarging the said harbour; and for lighting the said town, and supplying the same with water, and for regulating the carmen there; and for repealing so much of an Act of the 23rd year of the reign of His late Majesty as relates to the road from Calder Bridge to Egremont, and directing how the	1761.—2 George III. cap. 87.

Title or abbreviated title.	Year, statute, and chapter.
said road shall be repaired; and for repairing several other roads therein mentioned in the said county.	
An Act for continuing an Act made in the 2nd year of the reign of His present Majesty, intituled An Act for enlarging the term and powers of the several Acts of Parliament relating to the harbour of Whitehaven in the county of Cumberland, and to the roads leading to the said harbour and town of Whitehaven; and for further enlarging the said harbour; and for lighting the said town, and supplying the same with water, and for regulating the carmen there; and for repealing so much of an Act of the 23rd year of the reign of His late Majesty as relates to the road from Calder Bridge to Egremont, and directing how the said road shall be repaired; and for repairing several other roads therein mentioned in the said county.	1787.—28 George III. cap. 61.
An Act for further enlarging and improving the harbour of Whitehaven in the county of Cumberland.	1792.—32 George III. cap. 75.
An Act for continuing and amending several Acts of Parliament for improving the port, harbour, and town of Whitehaven in the county of Cumberland.	1806.—46 George III. cap. 115.
An Act for altering and enlarging the powers of several Acts passed for improving the port, harbour, and town of Whitehaven in the county of Cumberland, and for better supplying the said town with water.	1816.—56 George III. cap. 44.
An Act for amending an Act passed in the 56th year of the reign of His present Majesty, intituled An Act for altering and enlarging the powers of several Acts passed for improving the port, harbour, and town of Whitehaven in the county of Cumberland, and for better supplying the said town with water.	1818.—58 George III. cap. 15.
The Whitehaven Waterworks Act, 1849 - -	1849.—12 Vict. cap. 17.
The Whitehaven Harbour Act, 1858 - -	1858.—21 Vict. cap. 2.
The Whitehaven Town and Harbour Act, 1859	1859.—22 Vict. cap. 14.
The Whitehaven Waterworks Act, 1864 -	1864.—27 & 28 Vict. cap. 121.
The Whitehaven Dock and Railways Act, 1871.	1871.—34 & 35 Vict. cap. 91.
The Whitehaven Harbour and Town Improvement Act, 1876.	1876.—39 & 40 Vict. cap. 105.

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SECOND SCHEDULE.

ENACTMENTS of the former Acts repealed.

Year, statute, and chapter of Act.	Section and extent of repeal.
1816.—56 George III. cap. 44.	Section 24.
1859.—22 Vict. cap. 14 -	Sections 8, 21, 22. So much of section 19 as relates to the day of the poll and the deposit and contents of the ballot or folded paper. So much of section 24 as relates to an election by ballot. Schedule B.

NOTE.—Enactments which have been already repealed or which have ceased to be in force are in a few instances included in this Schedule.

THIRD SCHEDULE.

DESCRIPTION of the AREAS added to the existing TOWN and existing SANITARY DISTRICT.

(1.)—*North Section.*

1. The North Section comprises that part of the parliamentary borough which is bounded as follows; (that is to say,)

By a line commencing at a point at the north-east corner of the road and bridge under the railways, and leading to the seashore near the Bransty Gasworks, and proceeding thence to the east corner of the engine-house of Henry Pit, thence in a straight line in a northerly direction to the north-west corner of the field No. 6 on the Ordnance map of the township of Preston Quarter, thence in an easterly direction along the northerly fence of the said field to a point on the west side of the road near the buildings called "Tobacco Pipes," and about seventy-five yards or thereabouts therefrom measured in a northerly direction, thence across the said road and in an easterly direction along the line of the northerly fences of the fields No. 17 and No. 38 on the said Ordnance map to a point on the parliamentary boundary on the centre of the public road leading from Whitehaven to Moresby, thirty-five yards or thereabouts south of the first milestone from Whitehaven, thence along the said parliamentary boundary in a southerly direction to a point one hundred and ten yards or thereabouts south of the said milestone, thence in a northerly and easterly

direction along the said parliamentary boundary to a point thereon sixty yards or thereabouts from the north-east corner of a field near the Bleach Green, No. 19 on the said Ordnance map, thence in a straight line in a southerly direction to the north-east corner of a field in the said last-mentioned township adjoining Lady Pit Buildings, No. 68 on the said Ordnance map, thence in a straight line in a southerly direction to the most easterly point of the boundary wall between Gore's Buildings and Harras Park, and thence along the eastern and northern boundaries of the existing town to the point first named.

(2.)—*West Section.*

The west section comprises that part of the parliamentary borough which is bounded as follows; (that is to say,)

By a line commencing at a point on the quay near the West Pier of Whitehaven Harbour thirteen yards or thereabouts measured in a northerly direction from the limekiln there, and thence proceeding in a north-westerly direction along the quay to the high-water mark of the seashore near the south end of the West Pier, thence in a south-westerly direction along the said high-water mark and shore to a point thereon twenty yards or thereabouts measured in a westerly direction from the south-west boundary wall of the Wellington Pit yard, thence in a straight line in a southerly direction to the junction of the roads between Arrowthwaite and Raven Hill, thence in a south-easterly direction to the north-west corner of the cemetery, thence in a north-easterly direction along the northern boundary of the cemetery to the west side of the public road, thence in a southerly direction along the west side of the public road until it reaches the parliamentary boundary, thence along the parliamentary boundary in a north-easterly direction to the centre of Pow Beck, thence along the centre of Pow Beck in a northerly direction for a distance of four hundred and forty yards or thereabouts, thence along the south-western and western boundaries of the existing town to the point first named.

(3.)—*South Section.*

The south section comprises that part of the parliamentary borough which is bounded as follows; (that is to say,)

By a line commencing at a point on the private road leading from Inkerman Terrace to Joppa, thirty yards or thereabouts from the north side of the public road leading from Whitehaven to Hensingham, and proceeding thence along the north side of such private road to opposite the most northerly corner of the buildings called "Joppa," thence in a straight line across the said road in a south-easterly direction to a point on the parliamentary boundary near Beck Bottom, thence in a south-westerly direction along the said parliamentary boundary to a point thirty yards or thereabouts on the west side of the road between Meadow House and Chapel House, thence in a northerly direction to a point one hundred and thirty yards or thereabouts west of Meadow House, thence along the southern boundary of the existing town to the point first named.

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FOURTH SCHEDULE.

NAMES and BOUNDARIES of the WARDS of the TOWN.

1. Saint James Ward comprises those parts of the town which are bounded as follows; (that is to say,) by a line commencing at the centre of the south-east end of Duke Street near Somerset House, and proceeding thence in a north-westerly direction along the centre of Duke Street to a point near the south-east corner of the Queen's Dock, thence to and along the centre of the east and north walls of the said dock to the north-west corner of the said dock, thence along the centre of the wall of the north harbour to a point thereon opposite high-water mark on the seashore, thence in a northerly direction across the said wall to and along high-water mark on the seashore to a point in a line with the northern side of the road and bridge leading to the seashore under the railways near the Bransty Gasworks, thence to and along the northern side of the said road and bridge to the north-east corner thereof, thence to the east corner of the engine-house of Henry Pit, thence in a straight line in a northerly direction to the north-west corner of the field No. 6 on the Ordnance map of the township of Preston Quarter, thence in an easterly direction along the northerly fence of the said field to a point on the west side of the road near the buildings called "Tobacco Pipes," and about seventy-five yards or thereabouts therefrom, measured in a northerly direction, thence across the said road and in an easterly direction along the line of the northerly fences of the fields No. 17 and No. 38 on the said Ordnance map to a point on the parliamentary boundary on the centre of the public road leading from Whitehaven to Moresby, thirty-five yards or thereabouts south of the first milestone from Whitehaven, thence along the said parliamentary boundary in a southerly direction to a point one hundred and ten yards or thereabouts south of the said milestone, thence in a northerly and easterly direction along the said parliamentary boundary to a point thereon sixty yards or thereabouts from the north-east corner of a field near the Bleach Green, No. 19 on the said Ordnance map, thence in a straight line in a southerly direction to the north-east corner of a field in the said last-mentioned township adjoining Lady Pit Buildings, No. 68 on the said Ordnance map, thence in a straight line in a southerly direction to the most easterly point of the boundary wall between Gore's Buildings and Harras Park, and thence in a south-westerly direction along the walls of Harras Park and White Park to the point first before named.

2. Saint Nicholas Ward comprises those parts of the town which are bounded as follows; (that is to say,) by a line commencing at the south-east corner of Roper Street, thence proceeding along the centre of Scotch Street to the centre of Duke Street, thence along the centre of Duke Street in a north-westerly direction to the north-west end of Duke Street, near the Bulwark, thence in a south-westerly direction along the centre of the new embankment between the town and the harbour, and across the patent slip to the East Strand, thence along East Strand across the market-place, and along the centre of Roper Street to the point first named.

3. Trinity Ward comprises those parts of the town which are bounded as follows; (that is to say,) by a line commencing at the south-east end of Roper Street, thence proceeding along the centre of Scotch Street to the centre of Duke Street, thence along the centre of Duke Street in a south-easterly direction to the land belonging or reputed to belong to the Earl of Lonsdale adjoining Somerset House, thence in a north-easterly direction along the boundary wall of White Park to the south-east corner of George Street, thence in a straight line in a southerly direction to the private road leading from Inkerman Terrace to Joppa, thence in a north-easterly direction along such road to the north-east corner of the buildings called Joppa, thence in a straight line in a south-easterly direction to a point on the boundary of the parliamentary borough of Whitehaven near Back Bottom, thence in a south-westerly direction along the said parliamentary boundary to a point thirty yards or thereabouts on the west side of the road between Meadow House and Chapel House, thence in a northerly direction to a point one hundred and thirty yards or thereabouts west of Meadow House, thence in a south-westerly direction across the Furness Railway to the centre of Pow Beck, thence in a northerly direction along the centre of Pow Beck to the Coach Road, across the Coach Road, and thence in a northerly direction along Pow Beck and across the railway station to the north-west corner of the cricket ground, thence in an easterly direction by the boundary walls of Mill Street and the militia barracks, thence in a northerly direction to the north-west corner of the Castle Meadow and timber yard belonging or reputed to belong to the Earl of Lonsdale, and thence in an easterly direction along the boundary walls of property in Irish Street, and along the western boundary wall of Trinity churchyard to the point first named.

4. New Town Ward comprises those parts of the town which are bounded as follows; (that is to say,) by a line commencing at the south-east end of Roper Street and proceeding along the western boundary wall of Trinity churchyard, thence in a westerly direction along the boundary walls of property in Irish Street to the north-west corner of the Castle Meadow and timber yard belonging or reputed to belong to the Earl of Lonsdale, thence in a southerly direction along the eastern wall of the militia barracks to the cricket ground, thence along the northern and western sides of the cricket ground to the said railway station, thence in a southerly direction across the railway to Pow Beck, and along the centre of Pow Beck to the Coach Road and across the same, thence along the centre of Pow Beck in a southerly direction to the boundary of the said borough at a point thereon one hundred and seventy yards or thereabouts west of the railway of the Furness Railway Company, thence along the boundary of the borough in a westerly direction to the west side of the public road at the cemetery, thence in a northerly direction along the west side of such road to the north-east corner of the cemetery, thence in a south-westerly direction along the northern boundary of the cemetery to the north-west corner thereof, thence in a straight line in a northerly direction to the junction of the roads between Arrowthwaite and Raven Hill, thence in a straight line in a northerly direction to a point one hundred and thirty yards or thereabouts west of Nelson Terrace, thence in an easterly direction in a straight line to the centre of the west end of Albion Street and along the centre of Albion Street eastwards to the centre of James Street, thence in a southerly direction to Irish

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Street, and thence along the centre of Irish Street in an easterly direction to the point first named.

5. Harbour Ward comprises those parts of the town which are bounded as follows; (that is to say,) by a line commencing at the south-east end of Roper Street, thence proceeding in a north-westerly direction along the centre of Roper Street across the market-place to the East Strand, thence along the Custom House Quay and West Strand to and round the Watch and Bath Houses on the north-east side thereof, thence along the quay to high-water mark of the seashore near the south end of the west pier, thence in a south-westerly direction along the said high-water mark and shore to a point thereon twenty yards or thereabouts measured in a westerly direction from the south-west boundary wall of Wellington Pit Yard, thence in a straight line in a southerly direction to the before-mentioned point one hundred and thirty yards or thereabouts west of Nelson Terrace, thence in an easterly direction in a straight line to the centre of the west end of Albion Street, and along the centre of Albion Street to the centre of James Street, thence in a southerly direction to Irish Street, and thence along the centre of Irish Street in an easterly direction to the point first named.

FIFTH SCHEDULE.

MODIFICATIONS of the Ballot Act, 1872, in its Application to ELECTIONS of TRUSTEES.

1. The provisions of the Ballot Act, 1872, with respect to the voting of a returning officer, the day of the poll, the use of a room for taking a poll, and the right to vote of persons whose names are on the register of voters, and rule 16 in the First Schedule to that Act, shall not apply in the case of an election of Trustees.

2. The poll at an election of Trustees shall take place on the Friday next after the first Tuesday in November in each year.

3. The ballot paper need not contain any further description of the candidates than their names and places of abode.

4. The chairman shall provide everything which in the case of a parliamentary election is required to be provided by the returning officer for the purpose of a poll, and shall appoint officers for taking the poll and counting the votes.

5. The chairman shall furnish every polling station with such number of compartments in which the voters can mark their votes screened from observation, and furnish each presiding officer with such number of ballot papers as in the judgment of the chairman may be necessary for effectually taking the poll at the election.

6. If any agent of a candidate be appointed at any election, and a notice in writing of such appointment is given to the presiding officer, the provisions of

the Ballot Act, 1872, with respect to agents of candidates shall, so far as respects such agent, apply in the case of that election.

7. All expenses of the poll shall be defrayed in the manner provided by the former Acts with respect to the expenses of an election of Trustees.

8. Where an equality of votes is found to exist between any candidates at an election of Trustees, and the addition of a vote would entitle any of such candidates to be declared elected, the presiding officer (whether or not he be a voter) may give such additional vote, but shall not in any other case be entitled to vote at an election for which he is the presiding officer.

9. No return shall be made to the clerk of the Crown.

10. All ballot papers and other documents which in the case of a parliamentary election are forwarded to the clerk of the Crown in Chancery shall be delivered to the clerk of the peace for the county of Cumberland, and shall be by him kept among the records of the county, and the provisions of Part I. of the First Schedule to the Ballot Act, 1872, with respect to the inspection, production, and destruction of such ballot papers and documents, and to the copies of such documents, shall apply respectively to the ballot papers and documents so in the custody of the said clerk, with these modifications; namely,

(A.) An order of the county court having jurisdiction in the town, or of any tribunal in which an election of Trustees is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty's superior courts, but an appeal from such county court may be had in like manner as in other cases in such county court:

(B.) The regulations for the inspection of documents and the fees for the supply of copies of documents of which copies are directed to be supplied shall be prescribed by the Trustees with the consent of one of Her Majesty's Principal Secretaries of State, and, subject as aforesaid, the said clerk of the peace in respect of the custody and destruction of the ballot papers and other documents coming into his possession in pursuance of this Act shall be subject to the directions of the Trustees.

11. The term "returning officer" shall mean the person or officer who under the provisions of the former Acts is the presiding or returning officer at each ward election of Trustees (in this Act called "the presiding officer"), and the term "municipal borough" or "borough" shall mean the town.

12. The term "petition questioning the election or return" shall mean any proceeding in which an election of a Trustee can be questioned.

SIXTH SCHEDULE.

MODIFICATIONS of the Corrupt Practices (Municipal Elections) Act, 1872, in its Application to ELECTIONS of TRUSTEES.

1. The term "borough" shall mean the town.
2. The term "office" shall mean the office of an elective Trustee.
3. The term "register" shall mean the register of voters and include the ward list.

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4. The terms "municipal office" and "franchise" shall respectively mean the office of an elective Trustee and the right to vote at an election of an elective Trustee.

5. The term "municipal election" shall mean the election of an elective Trustee.

6. The term "burgess or citizen" shall mean a person entitled to vote at an election of an elective Trustee.

7. The term "town clerk" shall mean the clerk of the Trustees.

8. The term "borough rate or fund" shall mean any fund or rate out of which the expenses of an election of Trustees may be defrayed.

9. The term "treasurer" shall mean the treasurer of the Trustees.

10. For the purposes of any such new election as is referred to in section 24, any duties to be performed by any person shall, if such person has been declared not elected, be performed by a deputy or other person who might have acted for him if he had been incapacitated by illness.

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