



CHAPTER lxxvii.

An Act to authorise the mayor aldermen and burgesses of the Borough of Rawtenstall to construct and work tramways and to provide and work omnibuses to confer further powers upon them in relation to their electricity and markets undertakings to authorise them to construct a street work and to acquire lands and to make further provision with regard to the health local government and improvement of the Borough of Rawtenstall and for other purposes. [26th July 1907.]

A.D. 1907.

WHEREAS the borough of Rawtenstall in the county palatine of Lancaster is under the management and control of the mayor aldermen and burgesses thereof:

And whereas under the powers conferred by the Accrington Corporation Steam Tramways (Haslingden and Rawtenstall Extension) Act 1887 the Accrington Corporation Steam Tramways Company (in this Act called "the Accrington Company") have constructed in the borough certain tramways in the said Act described and the said company are now working and using the said tramways by steam power:

And whereas the Corporation are by the said Act empowered to purchase the said tramways (in this Act called "the Accrington tramways") on giving to the Accrington Company the notice therein prescribed and the Corporation gave such notice accordingly on the fourth day of January 1907:

And whereas under and by virtue of the Manchester Bury and Rochdale Tramways (Extensions) Order 1882 (in this Act called "the Order of 1882") confirmed by the Tramways Orders Confirmation (No. 3) Act 1882 the Manchester Bury Rochdale and Oldham Steam Tramways Act 1884 the Manchester Bury Rochdale

A.D. 1907. and Oldham Steam Tramways (Extension of Time) Act 1885 and the Manchester Bury Rochdale and Oldham Steam Tramways Act 1887 the Manchester Bury Rochdale and Oldham Steam Tramways Company were authorised to construct certain tramways within the borough in the said Order and Acts described :

And whereas by the said Manchester Bury Rochdale and Oldham Steam Tramways Act 1887 the said tramways were (inter alia) constituted a separate undertaking of the said Manchester Bury Rochdale and Oldham Steam Tramways Company to be called the Rossendale Valley tramways :

And whereas by the Rossendale Valley Tramways Act 1888 (in this Act called "the Act of 1888") the Rossendale Valley Tramways Company (in this Act called "the Rossendale Company") were incorporated and the Rossendale Valley tramways were vested in the Rossendale Company who were empowered to construct complete work and maintain the Rossendale Valley tramways and to exercise in respect of such tramways the powers conferred on the Manchester Bury Rochdale and Oldham Steam Tramways Company by the Order of 1882 and the subsequent Acts herein-before referred to :

And whereas by the Rossendale Valley Tramways (Burnley Extension) Act 1889 (in this Act called "the Act of 1889") the Rossendale Company were authorised to construct certain additional tramways within the borough in the said Act described :

And whereas by the Rossendale Valley Tramways (Abandonment) Act 1892 the Rossendale Company were authorised to abandon the construction of certain tramways and portions of tramways authorised by the Order of 1882 and the Act of 1889 :

And whereas by the Rossendale Valley Tramways Act 1902 (in this Act called "the Act of 1902") the Rossendale Company were authorised to construct certain additional tramways within the borough in the said Act described :

And whereas by the Act of 1902 it was provided that if within four years from the passing of that Act the Rossendale Company should have failed or neglected to construct reconstruct equip for electrical traction and open for traffic the tramways of the Rossendale Company then existing in the borough and the tramways by that Act authorised to be constructed within the borough the Corporation should at the expiration of the said period of four years be entitled to purchase the whole of such tramways (in this Act called "the Rossendale tramways") in manner and upon the terms by the said Act prescribed :

And whereas the Rossendale Company have failed and neglected within the period aforesaid to construct reconstruct equip for electrical traction and open for traffic as aforesaid the Rossendale tramways and the Corporation accordingly on the fifth day of November 1906 gave notice to the Rossendale Company of their intention to exercise the powers of purchase conferred upon them as aforesaid by the Act of 1902 : A.D. 1907.

And whereas it is expedient that the powers of the mayor aldermen and burgesses of the borough of Bacup (in this Act called "the Bacup Corporation") of purchasing so much of the tramways of the Rossendale Company as is situate within the borough of Bacup (in this Act called "the Bacup tramways") should in certain events be transferred to and become exerciseable by the Corporation :

And whereas it is expedient that the Corporation be authorised to reconstruct the Accrington Rossendale and Bacup tramways to construct additional tramways within the borough and to equip both the existing tramways and the additional tramways for the purposes of working by electrical power and to work the same:

And whereas the Corporation have been empowered by the Rawtenstall Electric Lighting Order 1899 (confirmed by the Electric Lighting Orders Confirmation (No. 12) Act 1899) to supply electrical energy throughout the borough and it is expedient that further powers be conferred upon them in connexion with their electrical undertaking :

And whereas it is expedient to authorise the Corporation to provide and work omnibuses within the borough as by this Act provided :

And whereas it is expedient that the Corporation be authorised to construct the street work by this Act authorised and to acquire lands for such purposes and for other the purposes by this Act authorised :

And whereas it is expedient that the Corporation should be empowered to provide accommodation to be used for the purpose of a post office as in this Act mentioned :

And whereas it is expedient that further and better provision should be made with reference to streets buildings and sanitary matters and with respect to Whitaker Park and other recreation grounds within the borough and with respect to markets and slaughter-houses and for the local government health and improvement of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

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And whereas the following Local Government Board's Provisional Orders Confirmation Acts confirming the Rawtenstall Orders therein set forth respectively apply to the borough (viz.) :—

The Local Government Board's Provisional Orders Confirmation (No. 9) Act 1883 ;

The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1890 ;

The Local Government Board's Provisional Orders Confirmation (No. 19) Act 1894 :

And whereas the following Acts have been adopted by the Corporation and are in force within the borough (that is to say) :—

The Infectious Disease (Prevention) Act 1890 ;

The Public Health Acts Amendment Act 1890 ;

The Public Libraries Acts :

And whereas it is expedient that the Corporation should be empowered to borrow money as in this Act mentioned and that better provision should be made in regard to the loans of the Corporation the securities upon which they are charged the discharge of borrowed money and other financial matters :

And whereas it is expedient that the other powers contained in this Act should be conferred upon the Corporation :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows :—

	£
For the reconstruction of the Accrington tramways	8,900
For the reconstruction of the Rossendale tramways	32,300
For the reconstruction of the Bacup tramways -	17,600
For the construction of the new tramways by this Act authorised - - - -	14,000
For the electrical equipment of the tramways -	30,100
For the purchase of rolling stock for the tramway undertaking - - - -	11,500
For and in connexion with the provision and running of omnibuses authorised by this Act -	3,500
For the purchase of lands for and for the street work authorised by this Act - - -	2,500

	£	A.D. 1907.
For the purchase of the freehold of the lands (a) and (b) described in the section of this Act the marginal note whereof is "Power to take lands referenced" - - - - -	5,500	—
For the purchase of lands for and for the provi- sion of post office accommodation authorised by this Act - - - - -	2,400	
For the conversion of the existing closet accom- modation in the borough into closet accommo- dation on the water carriage system - - - - -	5,800	

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the sixth day of December one thousand nine hundred and six after ten days' clear notice by public advertisement of such meeting and of the purpose thereof in the *Rossendale Free Press* a local newspaper published and circulating in the borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and the district fund and general district rate :

And whereas such resolution was published twice in the said newspaper 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 third day of January one thousand nine hundred and seven being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the *Borough Funds Act 1903* have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also plans showing the lands authorised by this Act to be purchased compulsorily appropriated taken and used together with a book of reference

A.D. 1907. — to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required and which may be taken appropriated and used for the purposes of or under the powers of this Act have been duly deposited with the clerk of the peace for the county palatine 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 King'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 *Rawtenstall Corporation Act 1907.*

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

- Part I.—Preliminary.
- Part II.—Tramways.
- Part III.—Omnibuses.
- Part IV.—Electricity.
- Part V.—Street Works.
- Part VI.—Lands.
- Part VII.—Provision of Post Office Accommodation.
- Part VIII.—Markets and Slaughter-houses.
- Part IX.—Whitaker Park and Recreation Grounds.
- Part X.—Streets and Buildings.
- Part XI.—Sanitary.
- Part XII.—Infectious Disease.
- Part XIII.—Common Lodging-houses.
- Part XIV.—Police.
- Part XV.—Fire Brigade.
- Part XVI.—Sky Signs and Hoardings.
- Part XVII.—Finance.
- Part XVIII.—Miscellaneous.

Incorporation of Acts. **3.** The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the

provisions of this Act) are hereby incorporated with this Act A.D. 1907.
(namely):—

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 section 3 (Interpretation of terms) section 19 (Local authority may take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise
“any local authority to place and run carriages upon such
“tramways and to demand and take tolls and charges
“in respect of the use of such carriages” were omitted from that section.

4. In this Act the several words and expressions to which meanings are assigned by the Public Health Acts and the Acts wholly or partially incorporated herewith have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires— Interpreta-
tion.

“The borough” means the borough of Rawtenstall;

“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” and “the inspector of nuisances” respectively mean the town clerk the treasurer the surveyor the medical officer and the inspector of nuisances appointed by the council in pursuance of the powers of any public Act and respectively include any person duly authorised to discharge temporarily the duties of those officers;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

“The Accrington Company” means the Accrington Corporation Steam Tramways Company;

“The Accrington tramways” means so much of the tramways authorised by the Accrington Corporation Steam Tramways (Haslingden and Rawtenstall Extension) Act 1887 as is situate within the borough;

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- “The Rossendale Company” means the Rossendale Valley Tramways Company ;
- “The Rossendale tramways” means so much of the tramways of the Rossendale Company as is situate within the borough ;
- “The Bacup tramways” means so much of the tramways of the Rossendale Company as is situate within the borough of Bacup ;
- “The Act of 1887 ” means the Accrington Corporation Steam Tramways (Haslingden and Rawtenstall Extension) Act 1887 ;
- “The Order of 1882 ” means the Manchester Bury and Rochdale Tramways (Extensions) Order 1882 confirmed by the Tramways Orders Confirmation (No. 3) Act 1882 ;
- “The Act of 1888 ” means the Rossendale Valley Tramways Act 1888 ;
- “The Act of 1889 ” means the Rossendale Valley Tramways (Burnley Extension) Act 1889 ;
- “The recited Acts ” means the Tramway Order and Acts recited in the preamble to this Act ;
- “The existing tramways ” means the Accrington tramways the Rossendale tramways and the Bacup tramways ;
- “The new tramways ” means the tramways by this Act authorised to be constructed ;
- “The tramways ” means the existing tramways and the new tramways ;
- “The Corporation tramways ” includes the tramways and any tramways for the time being belonging or demised to or worked by the Corporation ;
- “The tramway undertaking ” means the tramway undertaking of the Corporation for the time being authorised ;
- “Tramway revenue ” means all revenue of the tramway undertaking ;
- “Mechanical power ” includes steam electrical and every other motive power not being animal power ;
- “Engine ” includes motor ;
- “The electrical undertaking ” means the electrical undertaking of the Corporation for the time being authorised ;
- “The omnibus undertaking ” means the omnibus undertaking of the Corporation by this Act authorised ;

- “The Accrington Corporation” means the mayor aldermen and burgesses of the borough of Accrington; A.D. 1907.
- “The Haslingden Corporation” means the mayor aldermen and burgesses of the borough of Haslingden;
- “The Bacup Corporation” means the mayor aldermen and burgesses of the borough of Bacup;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act or Acts amending the same;
- “The Public Health Acts” means the Public Health Act 1875 and any Act or Acts amending the same;
- “Whitaker Park” means all those lands situate within Oakenhead Wood in the borough on which the mansion known as Oakhill now stands containing in the whole upwards of twenty-eight acres conveyed to the Corporation by the late Richard Whitaker by way of gift by indenture dated the 1st day of August 1900;
- “Closet accommodation” means any receptacle for human excreta and the fittings and apparatus connected therewith;
- “Daily penalty” means a penalty for every day on which an offence is continued after conviction;
- “Dairy” means any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale;
- “Dairyman” means any cowkeeper purveyor of milk or occupier of a dairy;
- “Infectious disease” means any infectious disease to which for the time being the Infectious Disease (Notification) Act 1889 applies within the borough;
- “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 some point in any street or public way and includes all and every part of any such post pole standard framework or other support;

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The expression "sky sign" shall also include any balloon parachute or other 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 include—

(1) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement;

(2) Any sign or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or 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;

(3) Any word letter model sign device or representation as aforesaid relating exclusively to the business of a railway company and placed wholly upon or over any railway railway station yard platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place;

"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 stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament

public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates or contributions leviable by or on the order or precept of the Corporation.

PART II.

TRAMWAYS.

5. Subject to other the provisions of this part of this Act the powers conferred upon the Corporation by this part of this Act shall not be exercised by the Corporation in respect of the Accrington tramways the Rossendale tramways or the Bacup tramways unless and until such tramways respectively shall have been purchased or acquired by the Corporation.

Certain powers of this part of Act only to be exercised in certain events.

6. Subject to the provisions of this Act the Corporation may reconstruct form lay down continue work use and maintain within the borough the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections (namely):—

Power to reconstruct certain existing tramways.

The Accrington tramways—

Tramway No. 1 (situate wholly in the borough) being a reconstruction of so much of Tramway No. 2 authorised by the Act of 1887 as is within the borough 1 mile 1 furlong and 1·00 chain or thereabouts in length of which 6 furlongs and 1·50 chains will be single and 2 furlongs and 9·50 chains will be double line commencing at the point where the boundary of the borough crosses the Haslingden New Road at Lock Gate passing thence along the Haslingden New Road and terminating in the last-named road at a point 3·00 chains or thereabouts south-westward of the south-west angle of the Queen’s Arms Hotel by a junction with Tramway No. 7 herein-after described:

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Tramway No. 2 (situate wholly in the borough) being a reconstruction of Tramway No. 15 authorised by the Order of 1882 1 mile 1 furlong and 1·50 chains or thereabouts in length of which 7 furlongs and 1·00 chain will be single and 2 furlongs and 0·50 chain will be double line commencing by a junction with Tramway No. 4 herein-after described at a point 1·23 chains or thereabouts westward from the centre of Longholme Bridge near the Queen's Arms Hotel passing thence in an easterly direction along the Bacup Road and terminating at the western side of Lonsdale Bridge by a junction with Tramway No. 3 herein-after described :

Tramway No. 2A (situate wholly in the borough) being a reconstruction of an existing tramway 0·80 chain or thereabouts in length of single line throughout its length commencing by a junction with Tramway No. 2 herein-before described in the Bacup Road at a point 6·00 chains or thereabouts from the commencement of that tramway passing thence in a north-easterly direction and terminating at the entrance to the existing tram shed :

Tramway No. 3 (situate wholly in the borough) being a reconstruction of Tramway No. 14 authorised by the Order of 1882 6 furlongs and 7·90 chains or thereabouts in length of which 3 furlongs and 5·00 chains will be single and 3 furlongs and 2·90 chains will be double line commencing by a junction with Tramway No. 2 at its termination herein-before described passing thence in an easterly direction along the Bacup Road and terminating at a point in that road at which the boundary between the borough and the parish and borough of Bacup crosses that road :

Tramway No. 4 (situate wholly in the borough) being a reconstruction of Tramway No. 16 authorised by the Order of 1882 2 furlongs and 6·00 chains or thereabouts in length of which 1 furlong and 7·00 chains will be single and 9·00 chains will be double line commencing by a junction with Tramway No. 2 at its commencement herein-before described passing thence along the Bacup Road in a north-westerly direction into and along Bank Street and terminating in the last-mentioned street at a point 2·20 chains or thereabouts north-westward from the junction of Barlow Street with Bank Street by a junction with Tramway No. 5 herein-after described :

Tramway No. 4A (situate wholly in the borough) being a reconstruction of an existing tramway 2·50 chains or thereabouts in length of single line throughout its length commencing by a junction with Tramway No. 4 herein-before described at Rawtenstall Bridge in Bank Street passing thence in an easterly direction into and along Newchurch Road and terminating in the last-mentioned roadway near the west end of the Public Market Hall : A.D. 1907.

Tramway No. 4B (situate wholly in the borough) being a reconstruction of an existing tramway 0·75 chain or thereabouts in length of single line throughout its length commencing by a junction with Tramway No. 4 at a point in Bank Street 1·00 chain or thereabouts north of the junction of Barlow Street with Bank Street and passing thence into and along Newchurch Road and terminating in the last-mentioned roadway by a junction with Tramway No. 4A herein-before described near the Ram's Head Hotel :

Tramway No. 5 (situate wholly in the borough) being a reconstruction of Tramway No. 17 authorised by the Order of 1882 1 furlong and 6·00 chains or thereabouts in length of double line throughout its length commencing in Bank Street by a junction with Tramway No. 4 at its termination herein-before described passing thence in a north-westerly direction along Rawtenstall Bridge over the River Lumby and thence into and along Burnley Road West and terminating in the last-mentioned roadway at a point 2·20 chains or thereabouts north-westward from the White Lion Hotel by a junction with Tramway No. 6 herein-after described :

Tramway No. 6 (situate wholly in the borough) being a reconstruction of so much of Tramway No. 1 authorised by the Act of 1889 as has been constructed 1 mile 1 furlong and 6·50 chains or thereabouts in length of which 6 furlongs and 5·00 chains will be single and 3 furlongs and 1·50 chains will be double line commencing by a junction with Tramway No. 5 at its termination herein-before described passing thence in a north-easterly direction along Burnley Road West and terminating in that roadway at a point 1·27 chains or thereabouts measured in a northerly direction from the junction of York Street with Burnley Road West by a junction with Tramway No. 9 herein-after described :

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Tramway No. 7 (situate wholly in the borough) being a reconstruction of Tramway No. 18 authorised by the Order of 1882 2·25 chains or thereabouts in length of double line throughout its length commencing at the termination of Tramway No. 1 herein-before described by a junction therewith passing thence in an easterly direction along the roadway leading from Haslingden New Road to Bacup Road into and along the Bacup Road and terminating by a junction with Tramway No. 4 herein-before described at a point 1·50 chains or thereabouts measured in a westerly direction from its commencement :

Tramway No. 8 (situate wholly in the borough) being a reconstruction of Tramway No. 2, authorised by the Act of 1889 1 furlong and 0·25 chain or thereabouts in length of double line throughout its length commencing in Bury Road at or near the north side of the Lancashire and Yorkshire Railway at the level crossing at Rawtenstall Station passing thence in a northerly direction along the said roadway and terminating by a junction with Tramway No. 4 herein-before described at a point in Bank Street near the Queen's Arms Hotel.

Power to
make new
tramways.

7. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain within the borough the new tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith :

Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The new tramways herein-before referred to and authorised by this Act are—

Tramway No. 9 (situate wholly in the borough) 1 mile 4 furlongs and 3·80 chains or thereabouts in length of which 6 furlongs and 0·10 chain will be single and 6 furlongs and 3·70 chains will be double line commencing by a junction with Tramway No. 6 at its termination in Burnley Road West herein-before described passing thence in a north-easterly

direction along Burnley Road West and terminating at or about the point at which the boundary between the borough and the parish or township of Dunnockshaw crosses that road by a junction with the intended Tramway No. 10 herein-after described :

Tramway No. 10 (situate wholly in the borough and described in the deposited plans as Tramway No. 13) 0·50 chain or thereabouts in length of single line throughout its length commencing by a junction with Tramway No. 2 herein-before described at a point in the Bacup Road 2·00 chains or thereabouts east of the junction of Hareholme Lane with Bacup Road and passing thence in a south-easterly direction and terminating at a point on the south side of the existing footpath in Bacup Road opposite the house numbered 370 in that road by a junction with the intended Tramway No. 11 herein-after described at its termination :

Tramway No. 11 (situate wholly in the borough and described in the deposited plans as Tramway No. 13A) 0·50 chain or thereabouts in length of single line throughout its length commencing by a junction with Tramway No. 2 herein-before described at a point in the Bacup Road 2·50 chains or thereabouts east of the junction of Hareholme Lane with Bacup Road and passing thence in a south-westerly direction and terminating at a point on the south side of the existing footpath in Bacup Road opposite the house numbered 370 in that road by a junction with the intended Tramway No. 10 herein-before described at its termination.

8. Subject to the provisions of this Act it shall be lawful for the Corporation to exercise the powers of the Bacup Corporation under the Act of 1888 of purchasing the Bacup tramways and the Corporation may subject to the provisions of this Act reconstruct form lay down continue work use and maintain the tramways in the borough of Bacup herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections (namely) :—

Power to Corporation to purchase and reconstruct tramways in Bacup.

The Bacup tramways—

Tramway No. 12 (described in the deposited plans as Tramway No. 14) being a reconstruction of Tramway No. 13 authorised by the Order of 1882 2 miles 3 furlongs and 1·40 chains or thereabouts in length of which 1 mile

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6 furlongs and 2·30 chains will be single and 4 furlongs and 9·10 chains will be double line commencing by a junction with Tramway No. 3 at its termination in Bacup Road herein-before described passing thence in a westerly direction into and along Newchurch Lower Road Newchurch Road and Market Street and terminating in the last-mentioned street at a point 1·80 chains or thereabouts measured in a westerly direction from the junction of the said Market Street with Bridge Street :

Provided that notwithstanding anything shown on the deposited plans the passing place between the points 1 mile 3 furlongs 2·5 chains and 1 mile 3 furlongs 7 chains on Tramway No. 12 measured from the commencement thereof as shown on the said plans shall not be constructed or if constructed the Corporation shall leave a space of not less than 8 feet 6 inches between the side of the road and the nearest rail of the tramway on the south side of the road throughout the whole length of the said passing place.

As to Bacup tramways.

9.—(1) The powers conferred upon the Corporation by the section of this Act the marginal note whereof is "Power to Corporation to purchase and reconstruct tramways in Bacup" shall not be exercised by them unless the Bacup Corporation either—

- (A) If further statutory powers be necessary to enable them to carry out and complete the purchase of the Bacup tramways and to reconstruct and equip the same for working by electrical traction shall not apply to Parliament in the session of 1908 for and use their best endeavours to obtain such powers ; or
- (B) Shall not substantially commence the reconstruction and equipment for working by electrical traction of the said tramways within the period of two years from the passing of this Act ; or
- (C) Shall not complete the same ready for working within the period of three years from the passing of this Act.

(2) In the event of the Bacup tramways being purchased reconstructed and equipped by the Bacup Corporation as herein-before provided that corporation may and shall forthwith upon such reconstruction and equipment grant and the Corporation may and shall accept a lease of the Bacup tramways for the period of thirty years from the date of the completion of such recon-

struction and equipment at a rent reserved equal to such sum as will be required by the Bacup Corporation to enable them to pay from time to time as and when the same are due during the continuance of the lease all interest upon money borrowed by the Bacup Corporation at the lowest rate at which they are able to borrow for or in connexion with the acquisition reconstruction and equipment of the Bacup tramways and all instalments or payments to sinking funds for the repayment of such money as aforesaid and upon the granting of such lease the Corporation shall repay to the Bacup Corporation all sums which that corporation shall have previously paid in respect of interest upon and instalments or payments to sinking funds for the repayment of such borrowed money :

Provided that the rate of interest proposed to be paid by the Bacup Corporation in respect of the said moneys shall be subject to the previous approval of the Corporation and in the event of such rate not receiving the approval of the Corporation the Corporation shall subject in all respects to the provisions of the section of this Act the marginal note whereof is "Power to Corporation to lend to Bacup Corporation for tramway purposes in certain events" advance to the Bacup Corporation the moneys required for the said purposes.

(3) The lease shall contain such covenants provisions and stipulations as are usually comprised in a lease of a tramway worked electrically.

(4) In the event of the Bacup Corporation being able and willing upon the completion of the reconstruction and equipment aforesaid to supply such electrical energy as may be necessary for working the Bacup tramways at and upon a reasonable price and terms and conditions as may be agreed or determined by arbitration the Corporation shall take such supply but the said price and terms and conditions shall be subject to revision at the instance of either party at the expiration of each recurring period of five years after the commencement of the said supply and if not agreed shall be determined by arbitration.

(5) In the event of the Bacup tramways being purchased by the Bacup Corporation otherwise than upon the terms provided by section 43 of the Tramways Act 1870 the price to be paid by the Bacup Corporation shall be subject to the previous reasonable approval of the Corporation.

(6) In the event of the Bacup Corporation reconstructing and equipping the Bacup tramways for working by electrical traction

A.D. 1907. such reconstruction and equipment shall in all respects be subject to the previous reasonable approval of the Corporation and for the purposes of such reconstruction the Bacup Corporation may if they think fit exercise the powers of the Corporation with reference to the reconstruction forming and laying down of the Bacup tramways contained in the section of this Act whereof the marginal note is "Power to Corporation to purchase and reconstruct tramways in Bacup."

(7) The Corporation and the Bacup Corporation may enter into and carry into effect agreements varying the provisions of this section.

(8) The Bacup Corporation may under and according to the provisions contained in section 20 of the Tramways Act 1870 borrow such sum or sums of money as may be necessary for the purchase reconstruction and equipment of the Bacup Tramways as herein-before provided and section 20 of the Tramways Act 1870 is hereby incorporated with this Act for the purposes of this section. Provided that the periods for which such sums of money may be borrowed shall be the periods prescribed by this Act for the repayment of money borrowed by the Corporation for the purposes (F) (G) and (I) mentioned in the section of this Act whereof the marginal note is "Power to borrow."

(9) Any dispute which may arise out of any of the provisions of this section shall be settled by arbitration under this part of this Act.

Power to lay and maintain pipes and make openings in streets.

10. The Corporation may lay and maintain pipes and make openings or ways in or under and may break up the surface of any road or street (including the footways thereof) footpath bridge or public place in order to lay and maintain and may lay use and maintain cables ropes conduits electric conductors wires and other apparatus for transmitting motive power for the carriages running on the Corporation tramways and the Corporation may use electric wires and all machinery and apparatus necessary for such motive power :

Provided that the powers of this section shall not be exercised within the borough of Bacup without the consent in writing of the Bacup Corporation but such consent shall not be unreasonably withheld and if any difference arises between the Corporation and the Bacup Corporation with respect to the provisions of this section the same shall be settled by arbitration under this part of this Act.

11. Subject to the provisions of this Act the Corporation may place and maintain on in under or over any road or street (including the footways thereof) footpath bridge or public place in which the Corporation tramways or any of them are or is laid such posts standards brackets and overhead and other electric conductors mains and conduits as they may consider necessary and proper for working the same by mechanical power and may remove replace or alter the position of any lamp-post in any such road street footway footpath bridge or place. Provided that the position of such posts standards and brackets so far as they may be placed outside the borough shall be subject to the reasonable consent of the road authority.

A.D. 1907.
Power to
place posts
wires &c.

12. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the Corporation tramways are or is laid it shall in the opinion of the Corporation be expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Corporation may with the consent of the road authority and subject to such conditions as the road authority may from time to time impose construct in the same or any adjacent road and subject as aforesaid (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

Temporary
tramways
may be made
when neces-
sary.

If any difference arises between the Company and the road authority with respect to any conditions or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled by arbitration under this part of this Act.

13. The Corporation may with the consent of the local and road authority increase the roadway of any street or road in which any of the tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each and either side of such street or road and the nearest rail of such tramway by reducing the width of the footpath on each or either side of such street or road. Provided always that no footpath be so reduced in width as to be less than six feet wide.

Corporation
may reduce
footpath for
constructing
tramways.

14. The Corporation may erect and maintain in any district sheds or shelters or waiting rooms for the accommodation of passengers and of the Corporation servants and the Corporation may with the consent of the local and road authority of such

Shelters or
waiting
rooms.

A.D. 1907. — district for such period and upon such terms as may be agreed upon use for that purpose portions of the public streets or roads within such district.

Gauge of tramways.

15.—(1) The tramways shall be reconstructed and constructed on a gauge of four feet or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon.

(2) In the event of the tramways being reconstructed or constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet six and a half inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Rails of tramways.

16. The rails of the tramways shall be such as the Board of Trade may approve.

Plan of proposed mode of construction.

17. In addition to the requirements of section 26 of the Tramways Act 1870 the Corporation shall in respect of so much of the tramways as is situate outside the borough at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of reconstructing laying down constructing or renewing any of the tramways and in respect of so much of the tramways as is situate within the borough before commencing the reconstruction construction laying down and renewal of any of such tramways or of any part thereof lay before the Board of Trade a plan showing the proposed mode of reconstructing constructing laying down and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the reconstruction construction laying down and renewal of any of such tramways or part of any of such tramways respectively until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Penalty for not maintaining rails and roads.

18.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the Corporation tramways and the substructure upon which the same rest and

if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the Corporation tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if the officer reports that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

19. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the Corporation tramways is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Tramways to be kept on level of surface of road.

20. Any paving metalling or material excavated by the Corporation in the reconstruction of the existing tramways and the construction of the new tramways from any road or bridge under the jurisdiction or control of any road authority may be applied by the Corporation so far as may be necessary in or towards the reinstatement or making up of the road or bridge and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by section 28 of the Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving

Application of road materials excavated in construction of works.

A.D. 1907. metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Corporation and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

Sanitary authority to have access to sewers.

21. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the said authority as if the same were a pipe for the supply of gas or water.

In this section the expression "sanitary authority" shall include the Haslingden Rawtenstall and Bacup Outfall Sewage Board on behalf of the Rawtenstall and Bacup Joint Sewer Committee.

Cross-overs to be constructed in certain cases.

22. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one tramway with the other and by means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Power to make additional cross-overs and to double tramway lines.

23.—(1) The Corporation may subject to the provisions of this Act with the consent of the Board of Trade and of the local authority make maintain alter and remove such cross-overs passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the Corporation tramways or for providing access to any generating stations or any warehouses stables or carriage-houses or works of the Corporation.

(2) Notwithstanding anything shown on the deposited plans the Corporation may with the consent of the Board of Trade and of the local authority lay down double lines in lieu of single or

interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the Corporation tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Corporation may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Board of Trade) be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

(4) In any case in which under the provisions of this section the consent of the local authority shall be required such consent shall not be unreasonably withheld and if any difference arises between the Corporation and the local authority with respect to such consent the same shall be settled by the Board of Trade or if that Board so desire by arbitration under this part of this Act.

24. Subject to the provisions of this Act the Corporation may during the reconstruction of the existing tramways and the construction of the new tramways and of the street work authorised by this Act with the consent of the road authority expressed in writing by the clerk of such authority stop up temporarily the carriageway or footway of any road or bridge as they think necessary and for that purpose may put up bars posts and other erections and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time but convenient access to the houses in such street shall be provided by the Corporation :

Stopping up
of roads
during exe-
cution of
works.

Provided that at all times during the construction or reconstruction of the tramways the Corporation shall maintain a proper and sufficient access both for vehicular and pedestrian traffic to the passenger and goods stations of the Lancashire and Yorkshire

A.D. 1907. Railway Company near to which any of the tramways are in course of construction or reconstruction.

Power to remove existing tramways and utilise materials.

25. In reconstructing the existing tramways or any of them the Corporation may take up and remove the existing tramways so to be reconstructed or any of them and may discontinue and suspend the traffic thereon for such period as may be necessary for reconstructing the existing tramways or any of them and may sell dispose of or utilise in such reconstruction all or any of the materials now forming the existing tramways so to be reconstructed or any of them.

Junctions with tramways which can be worked in connexion with Corporation tramways.

26. The Corporation may make junctions between the Corporation tramways and any other tramway or light railway laid near their tramways and which can be worked in connexion therewith but only with the consents of the owners and lessees of such tramways or light railway and (where such junctions are laid upon any road) of the road authority within whose district such junctions are intended to be made and the provisions of the Tramways Act 1870 incorporated with this Act and of this Act with respect to the construction maintenance and working of the tramways shall apply to such junctions where laid along any road and such junctions when made shall for all purposes be deemed to be part of the tramway undertaking.

As to removal of snow &c.

27. If the Corporation at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the Corporation tramways the Corporation may at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and salt shall not be used for thawing the snow on any road Provided that any dirt or other like matter removed by the Corporation from the grooves of the rails of the tramways shall not be allowed to remain on the side of the road but shall be taken away by the Corporation as soon as shall be reasonably practicable.

Power to acquire patent rights.

28. For the purposes of the tramway undertaking and the electrical undertaking or either of them the Corporation may acquire hold and exercise patent and other rights or licences but not so as to acquire any exclusive right therein.

Provisions as to motive power.

29. The carriages used on the Corporation tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the Corporation tramways and for regulating the use of electrical power:

(3) The Corporation or any company or person using any mechanical power on the Corporation tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Corporation or such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

30. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

Special provisions as to use of electrical power.

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not

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injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Corporation and any other party with respect to anything herein-before in

this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be: A.D. 1907.

- (7) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

31. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration. Alteration of telegraph lines of Postmaster-General.

32. In the event of any of the Corporation tramways being worked by electricity the following provisions shall have effect:— For protection of Post Office telegraph lines.

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3) Before any electric line is laid down or any act or work for working the Corporation tramways by electricity

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is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the works of the Corporation or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the works of the Corporation for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section

if they satisfy the Court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the Corporation tramways.

33. Notwithstanding any provision in any Act or Provisional Order relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to all the Corporation

Conveyance
of mails.

A.D. 1907. tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways.

As to user
of tramway
posts and
standards
for telegraph
purposes.

34.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways :
- (B) The Postmaster-General shall give to the Corporation not less than 28 days notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain . Any difference between the Corporation and the Postmaster-General as to any matter referred to in such notice shall be determined as herein-after provided :
- (C) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made

by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section : A.D. 1907.

- (D) Except as otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires. In case of difference the conditions of attachment shall be determined as herein-after provided :
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper state of condition and repair :
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers and servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided :
- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this

A.D. 1907.

section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving 28 days notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

(5) The expression "Corporation" includes their lessees.

Apparatus used for mechanical power to be deemed part of tramways.

35. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the Corporation tramways and section 30 shall have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath.

Attachment of brackets &c. to buildings.

36. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus

as may be required for the working of the Corporation tramways A.D. 1907.
by mechanical power Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :
- (3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

37. Subject to the provisions of this Act the Board of Byelaws.
Trade may make byelaws with regard to any of the Corporation tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

A.D. 1907.

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all byelaws and the Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Power to Corporation to work tramways.

38. Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation and their lessees may place and run carriages on and may work and may demand and take tolls and charges in respect of the Corporation tramways and in respect of the use of such carriages and may provide such mechanical power stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power but nothing in this section shall empower the Corporation to construct any station for generating electrical power nor to create or permit a nuisance.

Regulations by Corporation.

39. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation alone.

Inspection by Board of Trade.

40. The existing tramways after the reconstruction thereof and the new tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Period for completion of works.

41. The new tramways shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Passengers' fares.

42. The Corporation may demand and take for every passenger travelling upon the Corporation tramways or any part

or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than one penny Provided that the Corporation may appoint stages upon the Corporation tramways each of not less than half a mile in length and may demand and take from every passenger travelling upon the Corporation tramways including every expense incidental to the conveyance of such passenger any fare not exceeding one penny for each two stages or portion of that distance travelled and for this purpose the fraction of a stage shall be deemed a stage.

43. Every passenger travelling upon the Corporation tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Passengers' luggage.

44.—(1) The Corporation at all times after the opening of the Corporation tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier (except on Saturdays) than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or one penny per stage of not less than two miles and in computing such fares the fraction of a mile or a stage shall respectively be deemed to be a mile or a stage as the case may be and for the purposes of this provision the Corporation may by resolution divide any of the Corporation tramways into stages of not less distance than two miles each and commencing at points along the tramway so divided into stages between any two of which there shall not be a greater distance than one mile On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes :

Cheap fares for labouring classes.

Provided that if and so long as the Corporation charge fares of one halfpenny per mile within the borough they shall charge

A.D. 1907. fares not exceeding one halfpenny per mile for passengers travelling upon the carriages run in the borough of Bacup in pursuance of this section.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

As to fares on Sundays or holidays.

45. The Corporation shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days.

Carriage of goods.

46. The tramways may be used for the carriage of passengers animals goods minerals articles and things but the Corporation shall not be bound unless they think fit to carry any animals goods minerals articles or things other than personal luggage as aforesaid and shall not carry animals goods minerals articles or things other than personal luggage upon the Bacup tramways except with the consent of the Bacup Corporation.

Service of cars.

47.—(1) The Corporation shall at all times provide upon the Corporation tramways such service of cars for passenger traffic as may be reasonably required in the public interests.

(2) If complaint is made to the Board of Trade that a proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to comply with any order made by the Board of Trade under this section.

Rates for animals goods parcels &c.

48. The Corporation may demand and take in respect of any animals goods minerals parcels articles or things conveyed by them on the Corporation tramways including every expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods minerals parcels and other things and for any other service incidental to the business of a carrier where any such service is performed by

the Corporation) any rates or charges not exceeding the rates per A.D. 1907. mile following:—

In respect of animals conveyed on the tramways—

For every horse mule or other beast of draught or burden fourpence;

For every ox cow bull or head of cattle threepence;

For every calf pig sheep or small animal one penny halfpenny:

In respect of goods conveyed on the tramways—

For all coal coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton twopence;

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway tramroad or tramway chairs pipes tubes and plates per ton twopence halfpenny;

For all sugar grain corn flour hides dyewoods timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton threepence;

For cotton wools drugs manufactured goods earthenware and all other wares merchandise fish vegetables and all other articles matters or things not otherwise specially classed herein per ton fourpence;

For every carriage of whatever description one shilling:

In respect of small parcels and single articles of great weight conveyed on the tramways:—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence;

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For any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight such sum as the Corporation may think fit ;

Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet Provided also that articles sent in large aggregate quantities although made up in separate parcels (such as bags of sugar coffee meal and the like) shall not be deemed small parcels but that term shall apply only to single parcels in separate packages ;

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Corporation may think fit not exceeding two shillings per ton per mile ;

For the carriage of any single piece of timber stone or machinery or other single article the weight of which including the carriage exceeds eight tons such sum as the Corporation may think fit.

Regulations
as to rates.

49. For animals goods minerals articles or things conveyed on the Corporation tramways for a less distance than two miles the Corporation may demand rates and charges as for two miles :—

A fraction of a mile beyond an integral number of miles shall be deemed a mile ;

For a fraction of a ton (except in the case of small parcels) the Corporation may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton ;

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight ;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity ;

With respect to bulky articles or goods the Corporation shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

50. If at any time after three years from the opening for public traffic of the new tramways or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the Corporation tramways or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the Corporation tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the Corporation tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the Corporation tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

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Periodical
revision of
rates and
charges.

51. The Corporation may purchase take on lease or acquire by agreement and may hold for the purposes of the tramway undertaking any lands not exceeding five acres and they may on such lands erect or construct and hold depôts yards wharves offices buildings sidings works and other conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any such lands.

Purchase of
lands by
agreement.

52. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the Corporation tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Byelaws by
local authority.

53. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the

Penalty for
malicious
damage.

A.D. 1907. working of any of the Corporation tramways anything which is calculated to obstruct or interfere with the working of any such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the Corporation tramways shall be liable to a penalty not exceeding twenty pounds.

Application
of tramway
revenue.

54.—(1) The Corporation shall apply all money received by them on account of revenue in respect of the tramway undertaking in manner and in order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the tramway undertaking (including the maintenance of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870):

Secondly In payment of the interest on moneys borrowed by the Corporation for the purposes of the tramway undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the tramway undertaking:

Fourthly In extending and improving (if the Corporation think fit) any works for the purposes of the tramway undertaking:

Fifthly In providing a reserve fund (if the Corporation think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Corporation upon the tramway undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the tramway undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the tramway undertaking or for payment of the cost of

renewing any part of the Corporation tramways or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens: A.D. 1907.

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

And the Corporation shall carry to the borough fund so much of any balance remaining in any year of the income of the tramway undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the tramway undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the tramway undertaking shall be forthwith made good out of the borough fund:

Provided that as regards so much of any deficiency in the revenue of the tramway undertaking paid or required to be paid by the Corporation out of the borough fund as may arise in respect of Corporation tramways outside the borough the Corporation shall and they are hereby required to allow or repay to the occupiers of any land used as a railway constructed under the powers of any Act of Parliament for public conveyance a sum equivalent to three fourths of so much of the deficiency as shall arise as aforesaid as the said occupiers respectively shall be liable to pay or shall have paid by reason and in respect of their assessment to the borough rate and in order to give effect to this proviso the Corporation shall keep separate accounts of receipts and expenditure in connexion with such of the Corporation tramways as are outside the borough and such accounts shall at all reasonable times be open to the inspection of the railway company occupying any such land and their officers.

55.—(1) Subject to the provisions of this Act and with the approval of the Board of Trade the Corporation on the one hand and the Accrington Corporation the Haslingden Corporation the Bacup Corporation the Accrington Company and the Rossendale Company or their successors or any one or more of them on the other hand may enter into and carry into effect contracts and agreements with respect to the running over working use management and maintenance by the contracting parties or their

Agreements
for leasing
working
running
powers &c.

A.D. 1907. lessees of all or any of their respective tramways or light railways and works connected therewith or any part or parts thereof respectively the making of all necessary junctions the supply under any agreement for all or any of the respective tramways or light railways of the contracting parties being worked and used by the other of them or their lessees as aforesaid of rolling stock plant machinery and electrical energy or power necessary for the purposes and during the continuance of such agreement the appointment and removal of officers and servants the payments to be made and the conditions to be performed in respect of such working use management and maintenance the interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties and the division and apportionment of the revenue arising from such traffic and the payment of any moneys by way of fixed or contingent rent or in a lump sum or otherwise.

(2) The Corporation and any authority company or person working or using any tramway or light railway under the powers of this section shall be subject to all the regulations and restrictions so far as the same are applicable to which the working and user of such tramway or light railway by or in the hands of the owners of the same is subjected by the Act or Order authorising the construction thereof or by any byelaw or regulation made under such Act or Order.

(3) No contract or agreement under this section shall extend for a period beyond seven years from the making thereof. On the termination of any such agreement a new contract or agreement with or without modifications for such limited period as aforesaid may with the approval of the Board of Trade be entered into between the parties and so on from time to time as occasion may arise.

(4) Any difference or dispute as to the construction of or in any way arising out of any such contract or agreement shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

(5) Nothing in this section shall authorise any of the contracting parties to supply electrical energy or power beyond their own respective areas of supply.

As to provisions of section 30 subsection 6

56. The provisions of section 30 subsection 6 of the Act of 1888 relating to the granting of a lease of the Bacup tramways to the Rossendale Company shall not from and after the passing

of this Act apply to the said tramways or to the Corporation or to the Bacup Corporation in respect thereof.

A.D. 1907.
—
of Act of
1888.

57. So soon as the Corporation shall have purchased or acquired the Accrington tramways the Rossendale tramways and the Bacup tramways respectively so much of the recited Acts as relates to those tramways respectively shall cease to apply thereto or to the Corporation in respect thereof and thereupon the provisions of this Act shall be substituted therefor and such tramways shall together with the new tramways constitute for all purposes one undertaking under the powers of this Act.

Recited Acts
to cease to
apply to
existing
tramways.

58. In the event of the Corporation purchasing the Bacup tramways under the provisions of this Act the provisions of section 43 of the Tramways Act 1870 shall apply to such tramways as if the same had been authorised by this Act with the substitution of "thirty years" for the period of twenty-one years mentioned therein.

Amendment
of section 43
of Tramways
Act 1870.

59. Notwithstanding anything in this Act the provisions of this section shall apply for the protection of the council of the administrative county of the county palatine of Lancaster (herein-after called "the county council") and the ratepayers and inhabitants of the said administrative county unless otherwise agreed in writing between the county council and the Corporation (that is to say):—

For pro-
tection of
Lancashire
County
Council.

- (1)--(A) Before any new tramway by this Act authorised to be laid in or along any main road within the said administrative county is opened for public traffic the Corporation shall at their own expense widen the main roads along which such tramway shall be laid to a uniform width of not less than 27 feet of metalled carriageway in addition to the existing width of foot-path save and except that where owing to there being buildings opposite each other on both sides of the road or where the cost of purchasing land for such widening would be unreasonably excessive the Corporation shall on obtaining a certificate of exemption from the county surveyor be exempt from the obligation of this section. Any difference or dispute between the Corporation and the county council under this section shall be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and in every case the costs of and in

A.D. 1907.

connexion with such arbitration shall be borne and paid as the Board of Trade or such arbitrator shall direct;

- (B) The Corporation shall at their own expense pave or metal the widened portion of the carriageway and footpath (if any) with the same class of pavement or metalling as exists in the main road before it is widened:
- (2) Where the Corporation lay a new tramway as a single line along any main road they shall in all cases save where a certificate of the county surveyor shall be granted as aforesaid cause the same to be laid placed and maintained in such position as to allow a space of nine feet six inches between the outer edge of the kerb and the centre of the nearest rail on one side and twelve feet nine and one-half inches between the edge of the metalling and the centre of the nearest rail on the other side so as to allow room for carts laden with hay and straw and other overhanging loads to pass freely on one side of such track except at crossing and passing places:
- (3) The Corporation shall at their own expense pave so much of any main road whereon any of the new tramways are laid as lies between the rails and (where two tramways are laid the portion of the road between the tramways) as extends one foot six inches beyond the rails of and on each side of any such tramway with granite cubes or setts or such other paving as the county council may reasonably approve and in all cases where the nearest rail of such tramway is of less distance than seven feet from the outer edge of the footpath or boundary of the carriageway on either side the intervening spaces between the rail and the footpath or boundary of the carriageway shall be paved in like manner to the reasonable satisfaction of the county council and the Corporation shall so long as they shall work the said tramway keep and maintain the same respectively in good repair and condition and all works and materials used in the construction maintenance or alteration of the said roads lying adjacent to the said tramways shall be reasonably approved by the county council and in the event of any subsequent deviation or alteration of the said tramways which may involve the line being laid contrary to the provisions of sub-

section (2) of this section the consent of the county council shall be obtained before such deviation or alteration is made: A.D. 1907.

- (4) If any question (except such as is to be determined by the Board of Trade as herein-before provided) arises under this section between the Corporation and the county council that question shall be referred to an arbitrator to be appointed by the Board of Trade.

60. For the protection of the Rossendale Union Gas Company (in this section called "the gas company") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect (that is to say):— For protection of Rossendale Union Gas Company.

- (1) If in constructing reconstructing making forming laying down or altering the tramways the Corporation shall render access to the gas mains apparatus and other works of the gas company difficult or inconvenient the gas company may as soon as conveniently may be alter the position of such gas mains apparatus and other works in such manner as may be reasonably necessary to place the same in a position similar to and as convenient as the existing gas mains apparatus and other works and the reasonable expense of such alterations (including such replacements as may be reasonably necessary and the restoration of any roads or footpaths) shall be paid by the Corporation to the gas company within one month of the delivery of a detailed account at the offices of the Corporation:

- (2) Any difference between the Corporation and the gas company under this section shall be determined in the manner provided by section 33 of the Tramways Act 1870.

61. Where any of the Corporation tramways will pass in front of the entrances to any passenger or goods station or in front of the approach roads to any of the stations of the Lancashire and Yorkshire Railway Company no additional crossing or passing place siding junction turnout or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances or approach roads to such stations and for a length of ten yards at each end of such distance without the consent of the said company and without such consent no carriage used on the said tramways shall be stopped For protection of Lancashire and Yorkshire Railway Company.

A.D. 1907. — within such distance and lengths except only for so long as shall be reasonably necessary for the purpose of discharging and taking up passengers.

Power to Corporation to lend to Bacup Corporation for tramway purposes in certain events.

62.—(1) In the event of the Corporation coming under an obligation under the provisions of the section of this Act the marginal note whereof is "As to Bacup tramways" to lend to the Bacup Corporation such sum or sums of money as that Corporation may be by law authorised to borrow for the purposes of the purchase reconstruction and equipment for working by electrical traction of the Bacup tramways it shall be lawful for the Corporation to make such loan upon the security of any rates or funds which the Bacup Corporation may be authorised to charge for the repayment of the money borrowed.

(2) Any sum or sums which the Corporation shall resolve to lend as aforesaid may be raised by borrowing or re-borrowing the same on mortgage of the borough fund and borough rate.

(3) The following provisions shall apply to moneys borrowed for the purpose of the said loan to the Bacup Corporation:—

(A) The sum shall be lent by the Corporation to the Bacup Corporation for periods not exceeding those prescribed by this Act for the repayment of money borrowed by the Bacup Corporation and with a provision for repayment by equal annual instalments of principal or of principal and interest combined:

(B) If any sum payable to the Corporation for principal in respect of the sum lent to the Bacup Corporation shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund:

(C) The sum so borrowed shall be repaid by the Corporation within a period to expire not more than one year after that for which the same was lent by them to the Bacup Corporation:

(D) All sums received from the Bacup Corporation for interest shall be applied toward the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund:

(E) All sums received from the Bacup Corporation for principal (except sums which are to be carried to the credit of the borough fund under the provisions of paragraph (B) of this subsection) and all sums set apart out of the borough fund under paragraph (B) of this subsection shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the Bacup Corporation.

(4) If any doubt shall arise as to how much of any sum received by the Corporation from the Bacup Corporation is to be regarded as principal or interest the question shall be determined by the Local Government Board.

(5)—(A) The town clerk of the borough shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is payable to the Corporation in respect of the moneys lent by them to the Bacup Corporation and at any other time when the Local Government Board may require such a return to be made 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 for the year next preceding the making of such return the amounts which have been received from the Bacup Corporation for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return such town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court:

A.D. 1907.

(B) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest in statutory securities as defined as aforesaid any sum required to be applied or invested or have misapplied any of the investments or the produce of the sale thereof the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Orders &c.
of Board of
Trade.

63. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

References
to arbitra-
tion.

64. Where under this part of this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply thereto.

Provision as
to general
Tramway
Acts.

65. Nothing in this Act contained shall (save as in this Act expressly provided) exempt the Corporation or the Corporation tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

PART III.

OMNIBUSES.

Power to
provide and
run omni-
buses.

66.—(1) The Corporation may provide and run within the borough omnibuses moved by animal or mechanical power in connexion with the Corporation tramways when the running of cars on the tramways is impracticable or during the reconstruction construction alteration or repair thereof or in extension of any of such tramways and also for testing the amount of traffic along any route or between any particular points and also along the following route within the borough :—

From the junction of the Bacup road and the Burnley road east at Waterfoot along the Burnley road east in a north-easterly direction to the junction of the said Burnley road east with Dean Lane ;

and may demand and take tolls and fares for the use of such omnibuses.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings stables and sheds and may provide such horses plant appliances and conveniences as may be requisite or expedient for the running and equipment of such omnibuses.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon any omnibus belonging to them provided that any such byelaw shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Provided that any omnibus moved by electrical power shall be so equipped and worked so as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General or of any licensee of the Postmaster-General.

(5) All provisions of the Conveyance of Mails Act 1893 relating to the conveyance of mails on tramways shall apply and have effect in relation to the omnibuses provided under this section as if such omnibuses were carriages on tramways authorised by an Act passed after the first day of January one thousand eight hundred and ninety-three.

PART IV.

ELECTRICITY.

67. Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply (that is to say a supply from an installation other than that of the Corporation) unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person. In case the Corporation and the person demanding such supply of electrical energy shall fail to agree on the amount of such minimum annual sum to be paid by such person the amount of such minimum annual sum shall be fixed by an electrical engineer to be appointed as arbitrator by the President of the Institution of Electrical Engineers.

As to supply of electricity where consumer has separate supply.

68. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be

Corporation may refuse to supply electrical energy

A.D. 1907. due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

in certain cases.

Corporation may provide electrical apparatus.

69. The Corporation may within the borough provide sell let for hire and fix set up repair and remove but shall not manufacture lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such lamps meters electric lines fuses switches fittings lampholders motors and other apparatus and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold supplied let fixed set up altered repaired or removed.

Materials and fittings supplied by Corporation to be free from distress.

70. No electric line fuse switch fitting meter lamp lampholder motor apparatus or thing let for hire by the Corporation under the provisions of this Act shall be subject to distress or to the landlord's remedy for rent nor to be taken in execution under any process of law or equity or any proceeding in bankruptcy against the person or persons in whose possession the same may be. Provided that such electric line fuse switch fitting meter lamp lampholder motor apparatus or thing is marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

Electric lighting consumers to give notice to Corporation before removing.

71. Twenty-four hours' notice in writing shall be given to the Corporation by every consumer before he shall quit any premises supplied with electrical energy by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for charges for electrical energy.

72. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out but not dedicated to public use within the borough supply such premises with electrical energy and may in accordance with and subject to the provisions of the Rawtenstall Electric Lighting Order 1899 so far as such provisions are applicable lay down take up alter relay or renew in across or along such street or road such electric mains cables and apparatus as may be requisite or proper for furnishing such supply in the same way and to the same extent as if such street or road had been specified in the Third Schedule to the said Order but doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers.

A.D. 1907.
Power to lay electric apparatus in streets or roads not dedicated to public use.

73. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electric light or electrical power or energy from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar circumstances.

Discount on electric lighting and power accounts.

74. Notwithstanding anything in section 9 of the Electric Lighting Act 1882 contained the annual statement of accounts of the electrical undertaking of the Corporation for the time being shall after the passing of this Act be filled up on or before the thirtieth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the electrical undertaking of the Corporation as if the thirtieth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Altering date for filling up annual accounts for electric lighting.

75. The Corporation may enter into and carry into effect agreements with any local authority or company for the time being authorised by Parliament or the Board of Trade to supply electrical energy in any district adjacent to the area of supply of the Corporation for the supply of electrical energy in bulk by such local authority or company to the Corporation but such supply shall be given only subject to the provisions of the respective Acts or

Purchase of electricity in bulk.

A.D. 1907. Orders under which such local authority or company are or may be empowered to supply electrical energy.

Supply of electrical energy outside borough.

76. If the local authority for any district adjoining the area which the Corporation are for the time being authorised to supply with electrical energy are or shall be authorised by provisional order confirmed by Parliament to supply energy or if any company shall be so authorised to supply energy in any such district the Corporation may enter into and carry into effect agreements with any such local authority or company for the supply of electrical energy in bulk by the Corporation to such local authority or company.

Supply of electrical energy for traction purposes.

77. The Corporation may enter into and carry into effect agreements with any local authority company or person owning or working light railways or tramways without the borough which are connected with light railways or tramways belonging to the Corporation within or without the borough for the supply by the Corporation to such authority company or person of electrical energy for the purpose of working any such light railways or tramways :

Provided that such supply shall not be given if and so long as such supply would interfere with the supply of electrical energy within the borough.

Restriction on laying of electric lines.

78. Nothing in any of the three preceding sections shall authorise the Corporation to lay any electric lines beyond the limits of their area of supply.

As to energy supplied for public purposes.

79. There shall not be made against the general district rate or any other rate for energy used by the Corporation for street lighting or any other purpose a charge at a higher price than that charged to consumers using energy for similar purposes and for the like hours of supply.

Expenses and revenue under this part of Act.

80. Any expenses incurred by the Corporation in carrying into effect the provisions of this part of this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses and any money received by the Corporation under this part of this Act shall be applied in manner provided by section 52 of the Rawtenstall Electric Lighting Order 1899 except capital moneys which shall be applied in manner provided by section 53 of the said Order.

PART V.

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STREET WORKS.

81. Subject to the provisions of this Act the Corporation in the lines and situation and upon the lands in that behalf delineated on the deposited plans and described in the deposited book of reference wholly in the borough may if they think fit make and maintain the following street work (that is to say):—

Power to make street work.

A widening and improvement of Burnley Road West on the west side thereof for a distance of fifty-five feet or thereabouts measured in a southerly direction from the south-easterly corner of Mansion Street.

82. Subject to the provisions of this part of this Act the Corporation in the construction of the street work by this Act authorised may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and they may deviate vertically from the limits shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Limits of lateral and vertical deviation for street work.

83. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the street work authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said street work and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said street work or of crossing under or over the same or otherwise and may alter divert stop up enclose use or appropriate all or any part of any street square place court alley or passage whether a thoroughfare or not or of any thoroughfare road lane or way or of any drain sewer or other property shown on the deposited plans the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer Provided that the provisions of section 308 of the Public Health Act 1875 (Compensation in case of damage by local authority) shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Power to make subsidiary works.

84. The Corporation within the limits of deviation defined upon the deposited plans may raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars

Power to alter steps areas pipes &c.

A.D. 1907. windows and pipes or spouts belonging to any house or building and also the drains mains and the leaden or other pipes or wires which for the purpose of conveying water electricity or gas to any house or other place shall be laid into or from any main cable or pipe laid down by the Corporation and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Lands laid into new streets to be public highways.

85. The sites of all houses and all lands purchased by the Corporation under the powers of this part of this Act and laid into and appropriated for streets shall when and so soon as the same are so laid into and appropriated for streets be and for ever thereafter form part of the public streets and shall be repaired and maintained and kept in repair in such and the same way and manner as the streets in the borough are for the time being by law maintained repaired and kept in order.

PART VI.

LANDS.

Power to take lands referenced.

86. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they require for the tramways street work and other purposes by this Act authorised or (in the case of the widening or improving of any existing street) for the providing of space for the erection of buildings adjoining or near to any such street and subject as aforesaid may enter upon take and use the following lands situate within the borough and in the occupation of the Corporation:—

- (a) the lands situate in Bacup Road whereon the existing municipal offices now stand; and
- (b) the lands commonly known as Queen's Meadow situate at the junction of Haslingden New Road and Bank Street comprising roadways footways and ornamental gardens and the lands adjoining thereto whereon the existing public library now stands.

As to assessing compensation or purchase money.

87. In estimating the amount of compensation or purchase money to be paid by the Corporation under this part of this Act

the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of any street or bridge shall be fairly estimated and shall be set off against the said compensation or purchase money. A.D. 1907.

88. Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether

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any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

- (4) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion of such costs charges and expenses as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845. A.D. 1907.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

89. 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 in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

90. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act. Period for compulsory purchase of lands.

91. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices (not being members of the Corporation) acting for the county of Lancaster for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the town clerk and the town clerk of the borough or the clerk to the parish council of the parish (as the case may be) in which the lands affected thereby are situate and such certificate and duplicate respectively shall Correction of errors &c. in deposited plans and book of reference.

A.D. 1907. be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

A copy of or an extract from such certificate purporting to be under the hand of the clerk of the peace aforesaid (which copy or extract shall be given when required under his hand to any person interested) shall be conclusive evidence of such correction.

Power to
retain sell
&c. lands.

92. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of
sale of sur-
plus lands.

93. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing as aforesaid of lands acquired under this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board. Provided that—

- (1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase:

(2) The borrowing powers by this Act authorised for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section. A.D. 1907.

94. The Corporation may make and carry into effect agreements with any company body or person with regard to the manner in which the street widening authorised by this Act shall be constructed or with regard to the accommodation works the levelling and filling up of the land fronting on the widened street or any other matters connected with the construction of the same or the purchase of lands for the purposes of this Act. Agreements with land-owners.

95. For the protection of Mary Beatrice Craven Hoyle John Hargreaves Law and Edmund Lord or other the owners for the time being of the property in the borough known as Queen's Meadow (all of whom are in this section included in the expression "the owners") the following provisions shall unless otherwise agreed between the Corporation and the owners apply and have effect (that is to say):— For protection of owners of Queen's Meadow.

On or before the 1st day of February 1908 the Corporation shall purchase and the owners shall sell all their interest in the property known as Queen's Meadow and described in the section of this Act whereof the marginal note is "Power to take lands referenced" upon such terms and conditions as may have been agreed upon between the Corporation and the owners prior to the passing of this Act.

PART VII.

PROVISION OF POST OFFICE ACCOMMODATION.

96.—(1) For the provision of accommodation within the borough to be used for the purposes of a post office or telegraph office or for postal or other facilities provided by the Postmaster-General the Corporation may by agreement take on lease or purchase any lands situate within the borough. Provision of post office accommodation by Corporation.

(2) For the purpose of such taking on lease or purchase the provisions of the Public Health Act 1875 with respect to the taking on lease and those provisions and the provisions of the Lands Clauses Acts incorporated with this Act with respect to the purchase of lands by agreement shall apply as if the said provisions were in terms made applicable to the purposes of this section.

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(3) From and after such taking on lease or purchase as aforesaid the Corporation may provide maintain and improve on the said lands any buildings or accommodation necessary or proper for the purposes mentioned in subsection (1) of this section and may let the same to the Postmaster-General or to any officer of the Postmaster-General for such purposes for such reasonable sum by way of rent and otherwise upon such terms and subject to such conditions as the Corporation think fit.

(4) Any lands acquired or any buildings or accommodation provided by the Corporation in pursuance of this section may be sold by the Corporation to the Postmaster-General and if not required by the Postmaster-General and notwithstanding anything in the Public Health Act 1875 or the Lands Clauses Acts incorporated with this Act may be let or sold with the approval of the Local Government Board for any purpose at such rent or at such price and upon such terms and subject to such conditions as may be authorised by such approval or with the approval of the Local Government Board may be appropriated and used by the Corporation for any purpose connected with their business or administrative requirements upon such terms and subject to such conditions as aforesaid.

(5) The expenses of the Corporation of the execution of this part of this Act shall be defrayed out of the district fund and general district rate and the Corporation shall carry to the account of the said fund and rate all moneys arising from the letting or use of any lands buildings or accommodation in pursuance of this part of this Act and the proceeds of any sale in pursuance of this part of this Act shall be applied towards the discharge of any principal moneys borrowed for the purposes of this section or if no such principal moneys are outstanding shall be otherwise applied as the Local Government Board approve and direct.

PART VIII.

MARKETS AND SLAUGHTER-HOUSES.

Leases of stalls &c.

97. The Corporation may let any of the stands stalls sheds places or other conveniences in any markets or market places under their regulation or control to any person for any term not exceeding three years at such stallages or rents and on such terms and conditions as are mutually agreed on.

Power to take possession of stalls

98. If any tenant shall not after any toll rent stallage or charge has become due and payable to the Corporation in respect

of any stand stall shed pen or place in any market market house or market place belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stand stall shed pen or place and relet the same without prejudice to any other remedy for the recovery of such rent or toll.

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for non-pay-
ment of rent.

99. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from the cattle market of the Corporation all animals which after inspection by a duly registered veterinary surgeon shall be suspected by such surgeon to be affected with tubercular disease.

Removal of
animals sus-
pected of
tuberculosis.

100. The market keeper any officer of the market the inspector of nuisances or any constable may remove and exclude from the cattle market of the Corporation any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food.

Removal and
exclusion
from market
of animals
not fit for
food.

101. The power of the Corporation to make and enforce byelaws with respect to slaughter-houses shall extend to the making and enforcement of byelaws:—

Power to
make bye-
laws as to
slaughter-
houses.

For preventing the slaughter of animals in any pound pen lair or pinning-house forming part of any registered or licensed premises;

For preventing the slaughter of any animal within public view or within the view of any other animal; and

For preventing the carcase of any slaughtered animal intended for the food of man from being contaminated during such time as the same shall be hung or remain in any slaughter-house.

102.—(1) The Corporation may from time to time grant to any person whom they think fit a licence to carry on the calling of a luggage porter light porter public messenger or commissionaire and may charge a fee of one shilling for any such licence.

Licences to
porters.

(2) The Corporation may from time to time make byelaws for regulating the conduct of any persons so licensed and for fixing the charges to be made by them.

(3) Every such licence may be granted for a year or for any less period according as the Corporation may think fit and may be suspended or revoked or endorsed by the Corporation for a

A.D. 1907. breach of such byelaws or whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public. Provided that the existence of this power to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.

(4) Every such licence whensoever issued shall expire on the 31st day of March next following the date of its issue and may contain conditions as to the badge which the holder of any such licence shall wear.

(5) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of representing himself as licensed to carry on any of the callings specified in this section he shall be liable to a penalty not exceeding twenty shillings.

Appeal
against sus-
pension of
licences.

103. If any person feels himself aggrieved by the suspension or revocation of his licence he may appeal to a court of summary jurisdiction and such court may either confirm or annul such suspension or revocation or make such order in the matter as shall appear expedient.

Saving for
general Act
relating to
animals.

104. Nothing in this part of this Act shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or regulation of the Board of Agriculture and Fisheries or of any local authority made thereunder.

PART IX.

WHITAKER PARK AND RECREATION GROUNDS.

Power to
contribute to
maintenance
of Whitaker
Park and
mansion
therein and
to maintain
and control
same.

105. The Corporation may out of the district fund and general district rate expend such sums as they may think fit towards the expenses of maintenance of Whitaker Park and the maintenance improvement or extension of the mansion and premises known as Oakhill now standing therein and may hold maintain control manage preserve renew and improve such park mansion and premises and subject to the provisions of this part of this Act Whitaker Park shall notwithstanding anything contained in the deed of conveyance whereby the same became vested in the Corporation be for all purposes a pleasure ground within the meaning and subject to the provisions of the Public Health Acts. Provided that no charge shall be made for admission to Whitaker Park.

Corporation
may erect
pavilions.

106. The Corporation may in Whitaker Park or in any recreation or pleasure ground for the time being belonging to

them or under their control erect maintain furnish and equip and may remove pavilions band stands refreshment rooms museums and other buildings and conveniences which may be required or convenient for the purposes of Whitaker Park or any such recreation or pleasure ground and the public resorting thereto and may charge for admission to such pavilions museums and other buildings or conveniences and to the mansion now standing thereon known as Oakhill or any part of them or in respect of the use thereof or of any part or parts thereof respectively Provided that the Corporation shall not charge for admission to such museums or to the said mansion on more than twelve days in any one year nor on more than four consecutive days on any one occasion nor on any Sunday or public holiday.

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107. The Corporation may on such terms as they think fit from time to time let for any period not exceeding three years any pavilions or other buildings in Whitaker Park or in any recreation or pleasure ground belonging to them or under their control for meetings or entertainments or for the sale of refreshments.

Corporation
may let
pavilions.

108. Any place of public resort or recreation ground (including Whitaker Park) belonging to or under the control of the Corporation and any unfenced ground adjoining or abutting upon any street shall for the purposes of the Vagrancy Act 1824 and of any Act for the time being in force altering or amending the same be deemed to be an open and a public place and shall be deemed to be a street for the purposes of section 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences:—

Extending
definition of
public place
or street for
certain pur-
poses.

Every person who suffers to be at large any unmuzzled ferocious dog or urges any dog or other animal to attack worry or put in fear any person or animal;

Every person who rides or drives furiously any horse or carriage or drives furiously any cattle;

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution;

Every person who wilfully and indecently exposes his person;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language;

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Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire ;

Every person who throws or lays any dirt litter ashes or night soil or any carrion fish offal or rubbish on any street.

Power to set apart pleasure grounds for games.

109. The Corporation may set apart any portion of Whitaker Park or any recreation or pleasure ground for the time being belonging to them or under their control for cricket bowls football tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of fêtes flower shows entertainments or meetings of public or local interest and may make an agreement with any club or association by which such portion may be secured to the club or association.

Bands of music.

110. The Corporation may pay or contribute towards the payment of bands of music for the borough provided that the amount of such payments or contributions does not in any year exceed a sum equal to a rate of one halfpenny in the pound on the assessable value of the borough for the purposes of the general district rate and may in Whitaker Park or in any recreation or pleasure ground or other place enclose an area within which any such bands shall play and make regulations as to 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 therein.

Power to provide apparatus for games.

111. The Corporation may provide apparatus for games and recreation for the use of the public frequenting Whitaker Park or any recreation or pleasure ground for the time being belonging to or held by them 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 apparatus upon such terms and conditions as they think proper and the Corporation may make regulations with respect to the use and payment for the use of such apparatus.

Chairs and seats for public use.

112. The Corporation may place or authorise any person or persons to place seats shelters or chairs in Whitaker Park or any street public park garden or pleasure 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 byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

113. The Corporation may appoint officers for securing the observance of this part of this Act and of the regulations and byelaws made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

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Corporation may appoint constables.

114. All expenses incurred by the Corporation in the exercise of the powers of this part of this Act shall be paid out of the district fund and any moneys received by the Corporation in connexion with the execution of the purposes of this part of this Act shall be carried to the credit of the district fund.

Receipts and expenses in respect of Whitaker Park and recreation grounds.

PART X.

STREETS AND BUILDINGS.

115. The Corporation may retain any drawings plans elevations sections specifications and written particulars descriptions or details deposited with them in pursuance of any enactment for the time being in force in the borough or any byelaw thereunder.

Plans deposited with Corporation.

116.—(1) The approval by the Corporation of any plan or section of any street or building and the notice of intention to lay out or construct such street or building shall be null and void if the execution of the work specified in such plan or section be not commenced within the following periods (that is to say):—

Approval of plan to be void after certain intervals.

As to plans or sections approved after the passing of this Act within two years from the date of such approval;

As to plans or sections approved 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 deposit and approval shall unless the Corporation otherwise determine be requisite.

(2) The Corporation shall give notice of the provisions of this section to every person intending to lay out a new street or erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

117. The Corporation may by resolution declare the point or limits at or within which any street is to be taken as beginning or ending.

Corporation may declare where streets begin and end.

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Continuation of existing street to be deemed new street.

118. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

No building allowed until street defined.

119. No person except with the consent of the Corporation 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 indicate the approved line and level thereof. Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Power to vary position direction or level of new streets.

120.—(1) The Corporation may by order vary or alter the intended position direction gradient or level of any intended new street for the purpose of causing it to communicate in a direct line or more direct line or at a more convenient angle or level with any other street adjoining or leading thereto.

(2) The Corporation shall make compensation to all persons injuriously affected by the exercise of the powers of this section.

(3) Any person who shall lay out a street or not adhere to or observe any order made by the Corporation under the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Corporation may define future line of existing streets.

121.—(1) Where any street or road in the borough repairable by the inhabitants at large 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 such street or road. 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 and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises

No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street or road than such line. A.D. 1907.

(2) The Corporation may and if required so to do by the owner shall purchase the land for the time being unbuilt upon lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(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 the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land full compensation for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

122. The Corporation may (if in the circumstances of the case they think it expedient to do so) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out the street can show that it would be unreasonable or impracticable for him to comply therewith and any person who shall offend against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Preventing
formation of
culs-de-sacs.

A.D. 1907.

Entrances to
courts not
to be closed.

123. The entrance to any court not being a highway repairable by the Corporation shall not at any time after the passing of this Act be closed or narrowed or built over or the height or headway thereof lowered.

Every person offending against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Intersecting
streets.

124. No street shall be laid out of more than one hundred and fifty yards in length without an intersecting street 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 forty shillings.

Crossings for
horses or
vehicles over
footways.

125. Every person desirous of forming a communication for horses cattle or vehicles across any kerbed or paved footpath so as to afford access to any premises from a street repairable by the inhabitants at large shall first give notice in writing of such desire to the Corporation and shall if so required by them submit to them for their approval a plan of the proposed communication showing where it will cut the footpath and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the works at his own expense under the supervision and to the satisfaction of the surveyor and in case such plan shall have been required then in accordance with the plan so approved and not otherwise If any person drives or permits or causes to be driven any horse cattle or vehicle across any footpath unless and until such a communication as aforesaid has been so made or on or along any part of any such footpath other than the part over which such communication has been made he shall for each offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to such footpath:

Provided that nothing in this section shall be deemed to apply to the temporary crossing of footpaths during building operations if means satisfactory to the Corporation be taken to protect such footpaths from injury and for the convenience of foot passengers.

Trees or
shrubs over-
hanging
streets and
footpaths.

126. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the

occupier of the premises on which such tree hedge or shrub is growing requiring him within seven days to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage. A.D. 1907.

127. If any land (other than land now forming part of any common) adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the Corporation owing to the absence or inadequate repair of any such fence a source of danger to passengers or is used for any immoral or indecent purposes or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the town clerk to the owner or occupier of the same or without any notice if the Corporation are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the Corporation may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred may be recovered from such owner or occupier summarily as a civil debt. Fencing of lands adjoining streets.

128. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):— Dangerous places to be repaired or enclosed.

(1) If any building wall fence steps footbridge structure or other thing or any well excavation reservoir pond stream dam or bank is for want of sufficient repair protection or enclosure dangerous to the passengers along any street or footpath the Corporation may order the owner within the period specified in such order to repair remove protect or enclose the same so as to prevent any danger therefrom:

(2) If after service of the order on the owner he shall neglect to comply with the requirements thereof within the prescribed period the Corporation may cause such works as they think proper to be done for effecting such repair removal protection or enclosure and the expenses thereof shall be payable by the owner and may be recovered summarily as a civil debt.

129. The Corporation may remove appropriate use and dispose of all old materials existing in any street at the time of the execution by the Corporation of any works in such street unless the owners of buildings and lands in such street within forty-eight hours after notice so to do served on them by the surveyor Removal of materials in streets.

A.D. 1907. — remove such materials or their respective proportions thereof and the Corporation shall allow such sum as may be the reasonable value thereof to such owners for any materials which have been used or removed by the Corporation.

Deposit of building materials or excavations not to be made without consent.

130. It shall not be lawful for any person without the consent of the Corporation in writing first obtained to lay any building materials rubbish or other thing or make any excavation on or in any street repairable by the inhabitants at large and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials rubbish or thing or fill up such excavation (as the case may be) when required by the Corporation and if any person fails to comply in any respect with the requirements of this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may remove any such materials rubbish or thing or fill up such excavation (as the case may be) and recover the expenses from the offender summarily as a civil debt.

Recovery of damages caused to footways by excavations.

131. If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto the Corporation may repair or replace the footway so injured and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the Corporation by the owner of the lands on which such excavations or other works have been made or by the persons causing or responsible for the injury and shall be recoverable summarily as a civil debt.

For preventing soil and sand from being washed into streets.

132.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon or adjoining any private street communicating with any public street shall so fence off channel or embank their lands as to prevent the soil and sand of such lands from falling upon or being washed or carried into any public street sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully.

(2) 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 forty shillings.

(3) For the purpose of this section "public street" means a street repairable by the inhabitants at large and "private street" means a street not so repairable. A.D. 1907.

133. Where premises abutting upon any street are so situate that the surface water from such premises flows on to the footpath of such street the owner of such premises shall within one month after service of an order of the Corporation for that purpose execute such works as may be necessary to prevent the water from such premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings. For preventing water flowing on footpath.

134. The Corporation may with the consent of two-thirds in number and value of the ratepayers in any street alter the name of such street or any part of such street. The Corporation may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection. Power to alter names of streets.

Any person who wilfully and without the consent of the Corporation obliterates defaces removes or alters any such name shall be liable to a penalty not exceeding forty shillings.

135.—(1) In cases where urgent repairs are required to any street not being a highway repairable by the inhabitants at large and where for want of such repairs insanitary conditions or danger to passengers or vehicles in such street exist the Corporation may give notice in writing to the owners of the premises fronting adjoining or abutting on such parts thereof as may require such repairs requiring them to execute within a time to be specified in such notice such repairs in and upon such street as shall be specified in such notice. Urgent repairs to private streets and removal of obstructions therein.

(2) If such notice is not complied with the Corporation may if they think fit execute such repairs and the expenses thereof shall be recovered by the Corporation from the owner or owners in default and if there be more than one owner in proportion to their respective frontages as the same may be apportioned by the surveyor summarily as a civil debt.

136. Section 69 (Future projections of houses &c. to be removed on notice) and section 70 (Commissioners may cause existing projections to be removed on giving notice and making compensation) of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall with respect to the Prevention and removal of projections over streets.

A.D. 1907. borough extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Height of chimneys.

137. With respect to the height of chimneys the following provisions shall have effect (that is to say):—

(1) Every chimney hereafter erected for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any mill factory brewery or building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably approve having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such building the levels of the neighbouring ground and any other condition requisite for consideration in determining such height:

(2) Any person who shall erect a chimney otherwise than in accordance with this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Elevation of buildings erected on front land to be subject to approval of Corporation.

138. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation reasonably approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a plan approved by the Corporation and in case the Corporation for the space of six weeks after any plan of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved 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 forty shillings The Corporation shall make compensation to the owner of any

building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence in pursuance of any requirement of the Corporation. A.D. 1907.

139. The Corporation may require the corner of any building intended to be erected at the corner of two streets to be rounded off or splayed off to the height of the first storey or to the full height of the building and to such extent otherwise as they may determine and for any loss which may be sustained through the exercise of the powers by this section conferred upon the Corporation they shall pay compensation in accordance with the provisions of the Lands Clauses Acts. Buildings at corners of streets.

140.—(1) Before any person erects or sets up any temporary or movable building he shall apply to the Corporation for permission so to do and such application shall be accompanied by a plan and sections of the proposed building and a block plan drawn to a convenient scale showing the intended situation and surroundings of the proposed building together with a specification describing the materials proposed to be used in the construction thereof and the purpose for which the building is intended. As to temporary and movable buildings.

(2) The Corporation shall within four weeks after the delivery of the plan and sections and specification signify in writing their approval or disapproval of the intended building to the person proposing to erect or set up the same.

(3) The Corporation may attach to their approval any conditions which they may deem proper with regard to the sanitary arrangements of such building the ingress thereto and the egress therefrom protection against fire and the period during which such building shall be allowed to stand.

(4) If any such building is commenced erected or set up without such application accompanied by such plan sections and specification or after the disapproval thereof by the Corporation or before the expiration of four weeks without such approval or is in any respect not in conformity with any condition attached by the Corporation to their approval the person who commenced erected or set up such building or if any such building is not removed within the period allowed by the Corporation or any prolongation thereof the owner of such building shall be liable to a penalty for every such offence not exceeding forty shillings and to a daily penalty not exceeding the like amount and the Corporation may cause such building to be pulled down or removed and any expenses incurred by them in or about the pulling down

A.D. 1907. or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion.

(5) The following buildings and works shall be exempt from the operation of this section:—

(A) Buildings expressly exempt from the operation of the Acts or byelaws for the time being in force within the borough in respect to new buildings and any tent not remaining for more than seven days:

(B) Any wooden or other structure or erection of a moveable or temporary character erected or set up for use during the construction alteration or repair of any building but such structure or erection shall be pulled down or removed immediately after the completion of such construction alteration or repair and if not so taken down or removed the Corporation may cause the same to be pulled down or removed and any expense incurred by them in or about the pulling down or removal of the building may be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the same at their discretion:

(C) Any wooden or other structure or erection erected or set up for the purpose of protecting or of preventing the acquisition of right of light.

Power to sell materials of temporary buildings.

141. When a temporary or other building referred to in the last preceding section is taken down or removed by the Corporation under the powers of this part of this Act the Corporation may sell the materials thereof or any part of them and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to such building and shall pay the balance thereof to the owner of such building.

What to be deemed new buildings.

142. From and after the passing of this Act—

(1) The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation;

(2) The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

- (3) The reconversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house ;
- (4) The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but as far as regards such addition only ; and
- (5) The roofing or covering over of any open space between walls or buildings ;

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shall for all the purposes of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building.

143.—(1) No new building shall without the approval of the Corporation be erected on the side of any street 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. Provided that the approval of the Corporation shall not in the case of rebuilding any building existing at the passing of this Act be withheld so as to involve a material sacrifice of property.

Height of buildings.

(2) In determining the height of any building the measurement shall be taken from the level of the centre of the street immediately opposite 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. In case of a gable facing the street the measurement shall be to a point half-way between the level of the eaves and the ridge. In case of a roof which slopes away from the street at any greater angle to the horizon than fifty degrees the measurement shall be to the ridge of the roof and not to the eaves.

(3) Provided that where any new building shall front to two or more streets the height of such new building shall be determined according to the width of the widest of such streets.

(4) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

144. In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building

Erection of buildings to greater height than

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adjoining
buildings.

are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Means of
escape from
buildings in
case of fire.

145.—(1) Every new building exceeding thirty-five feet in height (used or intended to be used as a tavern hotel hospital boarding-house common lodging-house or school) shall be provided on the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as may be reasonably required under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 (Provision of means of escape in case of fire) and 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(3) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Saving for
certain rail-
way pro-
perty.

146. Nothing in this part of this Act shall apply to any buildings (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

PART XI.

SANITARY.

Power to re-
quire water-
closets for
new build-
ings.

147.—(1) The Corporation may on the erection of any new building when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the person by whom plans relating to the new building are deposited require that such new building shall be provided with such proper and sufficient waterclosets as circumstances may require.

(2) On the erection of any new building the Corporation may when a sewer and water supply sufficient for a watercloset are not

reasonably available require one or more proper and sufficient earth or pail closets to be provided at or in connexion with such building. A.D. 1907.

(3) Any person who shall offend against any requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

148.—(1) The Corporation may when a sewer and water supply sufficient for the purpose are reasonably available by written notice to the owner of any building require any existing closet accommodation (other than a watercloset) provided at or in connexion with such building to be altered so as to be converted into a watercloset which shall comply with the byelaws of the Corporation for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connexion with such building. Conversion of existing closet accommodation into water-closets.

(2)—(A) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing :

(B) Provided that if in any case such alteration shall be required in respect of any existing closet accommodation which prior to the service of the notice under this section shall not have been certified by the medical officer to be insufficient for the necessities of the inhabitants of the building or to be in such state as to create a nuisance or to be injurious to health then the Corporation shall bear and pay such sum towards the expenses incurred by them (not less than one half thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under the provisions of this section shall state the effect of the provisions of this section.

149.—(1) Where any person deems himself aggrieved by any requirements of the Corporation or disputes the reasonableness of As to appeal under last

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preceding
section.

the expenses charged to him by the Corporation under the last preceding section, such person may within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses appeal to a court of summary jurisdiction and the court may make such order in the matter as to them may seem equitable and the order so made shall be binding and conclusive on all parties :

Provided nevertheless that the right of appeal subsequent to the service of a demand for payment shall be restricted to the ground of the reasonableness of the amount of the expenses and the appellant shall be precluded from raising at that stage any other question.

(2) Pending the decision of the court upon such appeal the Corporation shall not be empowered to execute any works included in the notice and any proceedings which may have been commenced for the recovery of such expenses shall be stayed.

Corporation
may require
old drains to
be laid open
for examina-
tion.†

150. 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.

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.

Reconstruc-
tion of
drains.

151. It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws relating to the drainage of new buildings.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Owners to
permit drains
to be tested.

152.—(1) Whenever the medical officer has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining an order of a court of summary jurisdiction apply such test (except the test of water under pressure) as he may

consider efficient to such drains for the purpose of discovering any defects therein. A.D. 1907.

(2) Any owner or occupier who refuses notwithstanding such order to allow such test to be made shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) If the drains be found defective the owner or occupier of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Corporation to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Corporation may enter and execute the works and recover the costs thereof from the owner or other person liable under the lease or contract summarily as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts.

(4) For the purposes of this section the word "drain" includes any sewer which is not vested in the Corporation.

153. If a watercloset or drain is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds. Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Improper construction or repair of watercloset or drain.

154.—(1) No person shall cause any drain watercloset earth-closet privy ashpit or dustbin to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work.

Wilful damage to drains waterclosets &c.

A.D. 1907. (2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

(3) Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Sanitary conveniences for workmen engaged on buildings.

155.—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the borough shall provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient water or other closets and urinals.

(2) Any person offending against this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Public conveniences and lavatories.

156. The powers of the Corporation under section 39 (Public necessities) of the Public Health Act 1875 and section 20 (Sanitary conveniences for public accommodation) of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public and to use the soil of such street for those purposes and such powers shall also extend to authorise the Corporation to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Street orderly bins.

157. The Corporation may provide and maintain orderly bins for the collection and temporary deposit of street refuse in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine.

Urinals to be attached to refreshment rooms.

158.—(1) Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto the Corporation may by notice in writing require the owner of such

inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises for the use of the persons frequenting such inn public-house beer-house eating-house or other place of public entertainment a reasonably sufficient urinal or urinals. A.D. 1907.

(2) Any person who shall fail within a reasonable time to comply with any requirement under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) Nothing in this section shall apply to any building (not being a dwelling-house) belonging to a railway company and used by such company as a part of or in connexion with their railway.

159.—(1) If any urinal or other sanitary convenience now or hereafter opening on any street shall be so placed or constructed as to be a nuisance or offensive to public decency the Corporation by notice in writing may require the owner to remove such urinal or convenience or otherwise to reconstruct the same in such manner and with such materials as may be required to abate the nuisance and remove the offence against public decency. Corporation may require offensive urinals &c. to be removed.

(2) Any person who fails within a reasonable time to comply with a notice under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

160. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles used for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man. Cleansing of cisterns.

161.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to them shall thenceforth be appropriated and used for surface water (in this section called a "surface water sewer"). Provision as to separate system of sewerage.

(2) Where under the provisions of any Acts for the time being in force in the borough the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface water sewers and the provisions of those Acts shall apply to such sewers accordingly.

A.D. 1907.

(3)—(A) Where in any street separate sewage sewers and surface water sewers shall have been provided (whether before or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface water sewers and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation :

(B) Any persons who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings :

(C) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient to effectually drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface water drainage thereof and the Corporation may if they think fit make all such alterations.

Corporation may require enlarged sewer.

162. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer or drain to be made than they consider necessary for the ordinary sewerage or drainage of such street the person laying out such street shall construct such enlarged sewer or drain in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

163. The powers given by section 19 (Extension of 38 & 39 Vict. c. 55. s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Corporation may order houses &c. to be drained by combined drain.

164.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corpora-

tion shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners summarily as a civil debt. A.D. 1907.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

165. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose. Corporation may make communications between drains and sewers.

166. If it shall appear to the Corporation by the report of the medical officer surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well or underground cistern belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Corporation may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit well or cistern to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed or taken away or to cause such cesspool receptacle ashpit well or cistern to be so altered as to remove any such objection as aforesaid. Provision for filling up cesspools.

Where it appears that any such cesspool receptacle ashpit well or cistern is used in common by the occupiers of two or more houses or parts of houses the notice for filling up or removal of any such cesspool receptacle ashpit well or cistern may be served

A.D. 1907. on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Corporation may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

As to nuisances.

167. For the purposes of the Public Health Act 1875—

- (1) Any cistern used for the supply of water for domestic purposes so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health ;
- (2) Any gutter drain shoot stack pipe or down spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ; and
- (3) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health ;

shall be deemed to be a nuisance within the meaning of the said Act.

Defining establishing of a new business.

168. For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 a trade business or manufacture shall be deemed to be established if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards or if any premises on which it is for the time being carried on are enlarged without the sanction of the Corporation but a trade business or manufacture shall not be deemed to be established on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially taken down or burnt down has been reconstructed without any extension of its area.

Watercourse choked up to be a nuisance

169. Any river stream or watercourse or any part or parts thereof respectively within the borough 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 91 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.

A.D. 1907.
under Public
Health Act
1875.

170. The powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 upon the Corporation to empower the surveyor and inspector of nuisances to enter premises for the purposes therein mentioned shall extend to authorise the Corporation if on the report of either of such officers it shall appear that they have reason to suspect that any drain watercloset earth-closet privy ashpit or cesspool is in a condition in which it is a nuisance or injurious to health or likely to become so to empower the surveyor or inspector of nuisances after twenty-four hours' notice to the occupier of such premises or in case of emergency without notice to enter such premises and to act in accordance with the provisions of the said section as if such written application had been made as therein mentioned.

Extension of
section 41
of Public
Health Act
1875.

171. The Corporation may appoint more than one inspector of nuisances and section 189 (Appointment of officers of urban authority) and section 191 (As to medical officer of health &c.) of the Public Health Act 1875 and section 24 (Payments by county council in substitution for annual local grants out of Exchequer in aid of local rates) of the Local Government Act 1888 shall for the purposes of the execution of those Acts within the borough be construed accordingly.

Power to ap-
point addi-
tional in-
spectors of
nuisances.

172. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised iron dustbins in lieu of ashpits or ash-tubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be subject to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings Provided that this section shall not apply to any ashpits or any ash-tubs or other receptacles for refuse in use at

Regulation
dustbins.

A.D. 1907. the passing of this Act so long as the same are of suitable size and construction and in proper order and condition.

Pipes from slopstones to be disconnected from sewers.

173.—(1) Every pipe from any slopstone bath or basin in a building shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over a channel leading to a gulley grating at a suitable distance and every gulley grating or other inlet to the drains shall be properly trapped.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of two pounds shall be borne by the Corporation.

Rain-water pipes not to be used as soil pipes.

174.—(1) No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or watercloset.

(2) 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 forty shillings.

Water or stack pipes not to be used as ventilating shafts.

175.—(1) No water pipe stack pipe or down spout in existence at the date of the passing of this Act used for conveying surface water from any premises shall be used or permitted to serve or to act as a ventilating shaft to any drain.

(2) Any person who shall offend against this section after fourteen days from the service upon him by the Corporation of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Soil pipes to be ventilated.

176.—(1) The soil pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Corporation shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after

notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1907.

177. If any trade refuse or any building or other materials or rubbish of a like description be deposited in any privy cesspool dustbin ashpit or ash-tub the Corporation may make a reasonable charge for the removal of the same which charge shall be paid to the Corporation by the occupier of the premises in respect of which the charge is made and may be recovered summarily as a civil debt. Charge for removal of trade refuse.

178. Where under the provisions of this part of this Act the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this part of this Act are recoverable by the Corporation from the owner shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor. Apportionment of expense of sanitary works between different owners.

179. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part X. and this part of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

PART XII.

INFECTIOUS DISEASE.

180. No person suffering from infectious disease shall milk any animal the milk of which is intended for consumption within the borough or pick fruit intended for consumption within the borough or engage in any trade or business connected with food intended for consumption within the borough or carry on any trade or business in such a manner as to be likely to spread infectious disease within the borough. Every person who shall offend against this section shall be liable to a penalty not exceeding forty shillings. Infected person not to carry on business.

181. If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease within the borough the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage. Compensation to persons ceasing employment.

A.D. 1907.

Dairymen to furnish lists of sources of their supply of milk and customers in certain cases.

182. If the medical officer 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 such person derives his supply of milk or from which he has derived his supply during the last six weeks and a list of the persons to whom he has within such six weeks supplied milk within the borough and the Corporation shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein and every such person who shall fail to comply with such request shall for each 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.

183. Every dairyman supplying milk within the borough from premises whether within or beyond the borough shall notify to the Corporation or to the medical officer all cases of infectious disease among persons engaged in or in connexion with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any dairyman who makes default in so doing shall be liable to a penalty not exceeding forty shillings.

Compensation to dairymen.

184. If any dairyman shall at the request of the Corporation stop his milk supply within the borough on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the borough the Corporation may pay compensation to him for any loss occasioned by such stoppage.

Infected child not to attend school.

185.—(1) No person being the parent or having the care or charge of a child who is or has been suffering from infectious disease shall after a notice from the medical officer that the child is not to be sent to school permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

Power to medical officer to examine

186.—(1) The medical officer may enter any public elementary school within the borough at all reasonable times and examine the scholars attending the same and may exclude from attendance

thereat for such period as he shall consider requisite any scholar who in his opinion is suffering from infectious disease or is likely to spread infection. A.D. 1907.
school
children.

(2) The medical officer shall upon the exclusion of any scholar in manner aforesaid give notice thereof in writing to the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends and shall send a copy of such notice to the parent or guardian of the scholar.

(3) Any person who shall obstruct the medical officer in carrying into effect the provisions of this section or who shall permit any scholar to attend school after he shall have been excluded as aforesaid and before the expiration of the period of exclusion shall be liable to a penalty not exceeding forty shillings.

187. Whenever any scholar who attends any school within the borough shall be known to be suffering from infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith on becoming aware of the fact send notice thereof to the medical officer and shall furnish to the Corporation at their request a list of the scholars attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. Principal of
school to
furnish lists
of scholars
in certain
cases.

The Corporation shall pay to the person furnishing any such list the sum of sixpence and at the rate of sixpence for every twenty-five scholars named therein.

188. The Corporation may make byelaws for regulating the admission to and the discharge of patients from any hospital for infectious disease temporarily or otherwise provided by them and the conduct of patients therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Corporation. Byelaws
regulating
hospitals.

189. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Corporation may if they think fit themselves pay the whole or any part of the expenses arising out of the reception and maintenance of such person. Corporation
may pay ex-
penses of
person in
hospital.

A.D. 1907.

Exposure of
infected per-
sons.

190. The provisions of section 126 (Penalty on exposure of infected persons and things) of the Public Health Act 1875 shall extend and apply to any person who being in charge of a person suffering from any dangerous infectious disorder permits such sufferer to expose himself without proper precautions against spreading the said disorder in any street public place shop inn or public conveyance within the borough or to enter any public conveyance within the borough without previously notifying to the owner conductor or driver thereof that he is so suffering.

Prohibiting
conveyance
of infected
persons in
public
vehicles.

191. It shall not be lawful for any owner or driver of a public vehicle used for the carrying of passengers at separate fares knowingly to convey or for any other person knowingly to place in or cause to enter into any such public vehicle a person suffering from any infectious disease or for a person suffering from any such disease to enter any such vehicle and every person offending against this enactment shall for every such offence be liable to a fine not exceeding five pounds.

Driver of
infected per-
son to give
notice.

192. If any person suffering from any infectious disease is conveyed in any public vehicle the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer and shall cause such vehicle to be disinfected and if he fails so to do he shall be liable to a fine not exceeding five pounds and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed by him or from the person causing that person to be so conveyed a sum sufficient to cover any loss and expense incurred by him in connexion with such disinfection. It shall be the duty of the Corporation when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge except in cases where the owner or driver conveyed such person knowing that he was so suffering.

Cleansing of
infected
house and re-
moval of
persons suf-
fering from
infection.

193.—(1) Where it appears to the Corporation upon the certificate of the medical officer that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to retain infection or the destruction of such articles would tend to prevent or check any infectious disease the Corporation may serve notice on the occupier or where the house or part thereof is unoccupied on the owner of such house or part thereof that the same and any such articles therein will be cleansed and disinfected or (as regards the articles) destroyed by the Corporation unless the person so notified informs the Corporation within a time to be specified in the notice from the receipt of the said

notice that he will cleanse or disinfect the house or part thereof with any such articles or destroy such articles to the satisfaction of the medical officer as testified by certificate by him within a time fixed in the notice. A.D. 1907.

(2) If either—

(A) Within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served does not inform the Corporation as aforesaid; or

(B) Having so informed the Corporation he fails to have the house or part thereof and any such articles disinfected or such articles destroyed as aforesaid within the time fixed in the notice; or

(C) The occupier or owner as the case may be without such notice gives his consent;

the house or part thereof and the articles shall be cleansed and disinfected or such articles destroyed by the officers of and at the cost of the Corporation.

(3) For the purpose of carrying into effect this section the Corporation may enter on any premises between nine o'clock in the morning and six o'clock in the evening.

(4) When the Corporation have disinfected any house part of a house or any article under the provisions of this section they shall compensate the occupier or owner of such house or part of a house or the owner of such article for any damage thereby caused to such house part of a house or article and when the Corporation destroy any article under this section they shall reasonably compensate the owner thereof.

(5)—(A) If the Corporation deem it necessary to remove from any house or part thereof all or any of the residents not being themselves sick on account of the existence or recent existence therein of infectious disease or for the purpose of disinfecting such house or part thereof they may make application to a justice and the justice if satisfied of the necessity of such removal may grant a warrant authorising the Corporation to remove such residents and imposing such conditions as to time and otherwise as to him may seem fit. Provided always that no such warrant shall be necessary when the removal is carried out with the consent of any such resident or his parent or guardian:

(B) The Corporation shall and they are hereby empowered to provide free of charge temporary shelter with any necessary

A.D. 1907. attendants for such persons while prevented from returning to such house or part thereof.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(7) The Corporation may for the purposes of this section either themselves build a place of reception or contract for the use of any place of reception.

Penalty on withholding information from medical officer.

194.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from a dangerous infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Protection against infection of books in lending libraries.

195.—(1) No person shall take out of any public library any book for use in any house in which there is a person suffering from infectious disease and no person shall return to any such library any book which has been to his knowledge exposed to infection from infectious disease but he shall at once give notice that it has been exposed to infection to the inspector of nuisances and leave the book at the office of the inspector of nuisances who shall cause the same to be disinfected and then returned to the librarian or proprietor or destroyed and if destroyed the Corporation shall pay to the owner thereof its value.

(2) Any person who shall offend against this enactment shall be liable to a penalty not exceeding forty shillings.

Certificate required before removal by railway &c.

196. When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the borough of such disease the medical officer shall give notice thereof to the person responsible for the conduct of the burial of the body of such person and it shall not be lawful to

transport such body by railway or other public conveyance (not being a conveyance reserved for such purposes) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

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of body of
person dying
of infectious
disease.

197. Any person taking or sending to any public washhouse or to any person for the purpose of being washed or mangled any bedding clothing or other things which to his knowledge have been exposed to infection from infectious disease shall previously to so taking or sending the same cause such bedding clothing or other things to be disinfected by the Corporation or to the satisfaction of the medical officer and in default shall be liable to a penalty not exceeding forty shillings and the Corporation shall make provision for disinfecting and shall on application disinfect at their expense such bedding clothing and other things.

Disinfection
of clothes.

198.—(1) Where on the certificate of the medical officer it appears to the Corporation that any articles in any house or part thereof are in such filthy and dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may if they think fit cause any such articles in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

Filthy and
dangerous
articles to be
purified.

(2) If any owner suffer any unnecessary damage the Corporation shall compensate him for the same and the Corporation shall also reasonably compensate the owner for any articles destroyed.

199. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon any persons suffering from any infectious disease within the borough and may charge a reasonable sum for the services of any nurse so provided.

Corporation
may provide
nurses.

200. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Corporation
may supply
antidotes
against infec-
tious disease.

A.D. 1907.

Wake not to be held over body of person dying of infectious disease.

201. It shall not be lawful to hold any wake over the body of any person who has died of infectious disease and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises or part of a house or premises and every person who attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

For regulating manufacture and sale of ice cream &c.

202.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the borough—

- (A) Causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (C) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice cream or similar commodity) suffering from any infectious disease the medical officer may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice cream commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

Inspection of premises of dealer in ice cream.

203.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power

of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

204. The Corporation shall cause public notice to be given of the effect of the provisions of this part of this Act by advertisement in a local newspaper and by handbills and otherwise in such manner as they think sufficient and this part of this Act shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Corporation may fix.

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

205. Any expenses of the execution by the Corporation of this part of this Act shall be defrayed out of the district fund and general district rate.

Expenses of this part of Act.

PART XIII.

COMMON LODGING-HOUSES.

206.—(1) Notwithstanding anything in the Public Health Act 1875 the registration of a common lodging-house or of the keeper of a common lodging-house shall operate for one year only and application for the renewal of such registration shall be made to the Corporation on or previous to the thirty-first day of December in every year.

Registration of common lodging-houses and keepers.

(2)—(A) The Corporation may notwithstanding the provisions of section 78 (Local authority may refuse to register houses) of the Public Health Act 1875 refuse to register or to re-register any person as a common lodging-house keeper unless they are satisfied of his character and fitness for the position :

(B) Any person aggrieved by any such refusal may appeal to a court of summary jurisdiction within fourteen days after such refusal provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as they may think fit and to award costs.

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(3) Every person who without being registered in accordance with the Public Health Act 1875 and this Act shall keep a common lodging-house within the borough and every person who after the thirty-first day of March nineteen hundred and eight shall keep a common lodging-house without the registration of such person and of such house being renewed for the current year shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Regulations
as to com-
mon lodging
house
keepers.

207.—(1) The keeper of every common lodging-house 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 who is 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:

(2) 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.

Sanitary
conveniences
in lodging-
houses.

208.—(1) Every common lodging-house shall be provided with sufficient and suitable sanitary conveniences having regard to the number of lodgers who may be received therein and also with proper separate sanitary conveniences for persons of each sex.

(2) Where it appears to the Corporation on the report of their inspector of nuisances that the provisions of this section are not complied with in the case of any common lodging-house the Corporation may if they think fit by notice require the keeper thereof to make such alterations and additions therein as may be required to provide such sufficient suitable and proper sanitary conveniences as aforesaid.

(3) Any person who shall neglect or refuse to comply with any such notice shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Corporation
may remove
sick person
in a common

209.—(1) When a person in a common lodging-house is suffering from an infectious disease the Corporation may on the certificate of the medical officer or of any medical practitioner

that the patient may be removed without undue risk and without further warrant than this Act cause such person to be removed to a hospital or infirmary with the consent of the authorities thereof where different from the Corporation but if removal be considered dangerous to life by such officer or medical practitioner and is so certified no lodger shall be admitted to such lodging-house until it is certified by the medical officer free from infection and the Corporation may so far as they think requisite for preventing the spread of disease cause any clothes or bedding used by such person to be disinfected or destroyed and shall pay to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction thereof.

A.D. 1907.
lodging-
house to hos-
pital &c.

(2) The Corporation shall pay reasonable compensation for the closing of a common lodging-house under the provisions of this section.

210. Notice of the provisions of this Part of this Act shall be served upon the keeper of every common lodging-house within the borough either personally or by leaving the same at the common lodging-house.

Notice to
common
lodging-
house
keepers.

PART XIV.

POLICE.

211.—(1) Notwithstanding anything contained in the Highway Act 1835 or in the Town Police Clauses Act 1847 no person shall act as the driver of or have care of more than one cart waggon or carriage each drawn by an animal or animals in any street in the borough within a radius of one mile from the entrance to the goods stations of the Lancashire and Yorkshire Railway Company at Rawtenstall Station and Waterfoot Station respectively and no person shall fasten or allow to be fastened to the rear of any such cart waggon or carriage any other cart waggon or carriage drawn by an animal or any animal drawing a cart waggon or carriage.

No person to
have the care
of more than
one cart.

(2) Any person acting in contravention of this section shall be liable to a penalty not exceeding twenty shillings.

212. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty not exceeding forty shillings and may be arrested without warrant by any constable who witnesses the offence.

Reckless
driving.

A.D. 1907.

Notice of processions to be given.

213. Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the office of the town clerk twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets. If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

PART XV.

FIRE BRIGADE.

Power to police constable to enter and break open premises in case of fire.

214. Any police constable acting under the orders of his superior officer and any member of the fire brigade of the Corporation being on duty and any officer of the Corporation may enter and if necessary break into any building in the borough being or reasonably supposed to be on fire or any building or land adjoining or near thereto without the consent of the owner or occupier thereof respectively and may do all such acts and things as they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Power to police officer to control street traffic at fires.

215. The officer in charge of police at any fire in the borough shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

Captain of fire brigade or other officer to have control of operations.

216. The superintendent or captain of the fire brigade of the Corporation or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires attending at any fire within the borough shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fires whether by the fire brigade of the Corporation or any other fire brigade including the fixing of the positions of fire engines and

apparatus the attaching of hose to any water pipes or water supply and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed. A.D. 1907.

217. The Corporation on the one hand and the local authority of any borough or urban or rural district and any person or persons beyond the borough on the other hand may enter into and carry into effect agreements for the common use of any fire engines with their appurtenances and firemen belonging to the Corporation or such local authority person or persons or for mutual assistance in case of fire. Agreements with local authorities and others for common use of fire appliances.

218. The Corporation may acquire purchase or take on lease and may upon any lands so acquired by them or subject to the sanction of the Local Government Board and to such conditions as that Board may prescribe upon any lands for the time being vested in them and available for the purpose erect such cottages as they think fit for the habitation of their firemen and may let the said cottages or any of them to such firemen on such terms and conditions at such rent or free from rent as the Corporation think fit. Firemen's cottages.

PART XVI.

SKY SIGNS AND HOARDINGS.

219.—(1) It shall not be lawful to erect or fix to upon or in connexion with any building or erection any sky sign and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Corporation and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed: Sky signs.

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

- (i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;
- (ii) If any change be made in the sky sign or any part thereof;
- (iii) If the sky sign or any part thereof fall either through accident decay or any other cause;

A.D. 1907.

(iv) 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; or

(v) If the house building or structure over on or to which the sky sign is placed or attached become 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 licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Corporation to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

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

As to hoardings and other structures used for advertising purposes.

220.—(1) Every hoarding or similar structure in or abutting on or adjoining any street or so near to any street that it might if not supported fall thereon shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect wholly or partially for advertising purposes any such hoarding or similar structure to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

(3) The owner or other person using any hoarding wall or other structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and if any paper affixed for advertising purposes to such hoarding wall or other structure falls off or becomes detached shall forthwith remove and clear away such paper.

(4) Any person who acts in contravention 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 twenty shillings. A.D. 1907.

(5) Any consent or condition given or made under this section may be under the hand of the town clerk or surveyor.

(6) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk 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 make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

PART XVII.

FINANCE.

221. The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest any sums not exceeding the following sums:— Power to borrow.

On the security of the borough fund and borough rate and the district fund and general district rate—

(A) For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose :

On the security of the revenue of the tramway undertaking and the borough fund and borough rate—

(B) For the purchase of the Accrington Tramways and the expenses incident thereto such sum as may be necessary for the purpose ;

(C) For the reconstruction of the Accrington Tramways the sum of eight thousand nine hundred pounds ;

(D) For the purchase of the Rossendale Tramways and the expenses incident thereto such sum as may be necessary for the purpose ;

(E) For the reconstruction of the Rossendale Tramways the sum of thirty-two thousand three hundred pounds ;

A.D. 1907.

(F) For the purchase of the Bacup tramways and the expenses incident thereto such sum as may be necessary for the purpose ;

(G) For the reconstruction of the Bacup tramways the sum of seventeen thousand six hundred pounds ;

(H) For the construction of the new tramways the sum of fourteen thousand pounds ;

(I) For the electrical equipment of the tramways the sum of thirty thousand one hundred pounds ;

(J) For the purchase of rolling stock for the tramway undertaking the sum of eleven thousand five hundred pounds :

On the security of the revenue of the omnibus undertaking and the borough fund and borough rate—

(K) For or in connexion with the provision and running of omnibuses authorised by this Act the sum of three thousand five hundred pounds :

On the security of the district fund and general district rate—

(L) For the purchase of lands for and for the street work by this Act authorised the sum of two thousand five hundred pounds :

On the security of the borough fund and borough rate—

(M a) For the purchase of the freehold of the lands (a) described in the section of this Act the marginal note whereof is "Power to take lands referenced" the sum of four hundred pounds :

On the security of the district fund and general district rate—

(M b) For the purchase of the freehold of the lands (b) described in the last-mentioned section of this Act the sum of five thousand one hundred pounds ;

(N) For the purposes of the section of this Act the marginal note whereof is "Provision of post office accommodation by Corporation" the sum of two thousand four hundred pounds ;

(O) For the conversion of the existing closet accommodation in the borough into closet accommodation on the water carriage system the sum of five thousand eight hundred pounds :

And the Corporation may with the sanction of the Board of Trade borrow on the security of the revenue of the tramway undertaking and the borough fund and borough rate such further moneys as the Corporation may require for any of the purposes of Part II. of this Act and may with the sanction of the Local Government Board borrow on such security as that Board may prescribe such further moneys as the Corporation may require for any other of the purposes of this Act: A.D. 1907.

Provided that before giving their consent to any application for further borrowing powers for the purpose of the omnibus undertaking the Local Government Board may require the production of evidence to show that the undertaking is being conducted in all respects on a paying basis:

Provided that the provisions of this section shall not limit the power conferred upon the Corporation to charge the whole of their revenues as security for the money so borrowed.

In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

222. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act whereof the marginal note is "Sinking fund" shall apply in lieu of the provisions of section 15 of the Local Loans Act 1875. Mode of raising money.

223. Sections 236 237 and 238 of the Public Health Act 1875 (except as to the form of mortgage and transfer of mortgages) shall extend and apply to mortgages granted under this Act. Provisions of Public Health Act as to mortgages to apply.

224.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole. Appointment of receiver.

(2) The application for a receiver shall be made to the High Court.

A.D. 1907.

Periods for
payment off
of money
borrowed.

225. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purposes (A) mentioned in the section of this Act of which the marginal note is "Power to borrow" within five years from the date of the passing of this Act;

As to moneys borrowed for the purposes (B) (D) and (F) mentioned in the said section within twenty-five years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (C) (E) (G) (H) and (O) mentioned in the said section within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (I) mentioned in the said section within twenty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (J) mentioned in the said section within ten years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (K) mentioned in the said section within five years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (L) mentioned in the said section within sixty years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes (M a) and (M b) mentioned in the said section within sixty years from the date of the passing of this Act;

As to moneys borrowed for the purposes (N) mentioned in the said section or so much thereof as may be required for the purchase of lands within sixty years from the date or dates of borrowing the same and as to so much thereof as may be required for the erection of buildings within thirty-five years from the date or dates of borrowing the same;

As to moneys borrowed with the sanction of the Board of Trade or the Local Government Board as the case may be (including moneys so borrowed under the provisions of the section of this Act the marginal note whereof is "Scheme for fixing equated periods") within such periods as those Boards respectively may sanction.

226. The Corporation shall keep a separate account of their receipts and expenditure for their omnibus undertaking on capital and revenue account.

Separate account of omnibus undertaking to be kept.

227.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

A.D. 1907.
Power to use
one form of
mortgage for
all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the treasurer or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

A.D. 1907.

(8) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the treasurer who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the treasurer wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Mode of
payment off
of money
borrowed.

228. The Corporation shall pay off any 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 combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them.

Sinking
fund.

229.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investment of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking

A.D. 1907. fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as that Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amount as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

230. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

231. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge

to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. A.D. 1907.

232. The Corporation may except as herein-after provided re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Act which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the repayment it was intended to re-borrow. Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose. Provided also that any moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period. Power to re-borrow.

233. Money borrowed by the Corporation under this Act shall be applied only for the purposes of this Act to which capital is properly applicable and for which it is authorised to be borrowed. Application of money borrowed.

234.—(1) The treasurer shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other Annual return to Local Government Board with respect to sinking fund.

A.D. 1907. period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Power to use sinking fund instead of borrowing.

235. Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and moneys so raised shall for the purposes of this Act be

deemed to be moneys borrowed under a statutory borrowing power Provided that when exercising this power the Corporation shall— A.D. 1907.

- (A) Withdraw from such sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from such sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of such sinking fund;
- (C) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to repayment and re-borrowing shall apply thereto accordingly.

236. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities. Power to invest all sinking funds in statutory securities.

237.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more equated periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for fixing equated periods.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without

A.D. 1907. modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any Corporation stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board borrow on such security as the said Board may prescribe such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Expenses of execution of Act.

238. 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 borough rate or the district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

PART XVIII.

MISCELLANEOUS.

Limit of library rate extended.

239. For the better and more effectually carrying into execution the powers and duties of the Corporation under the Public Libraries Acts 1892 to 1901 those Acts shall be read and have effect as if the limit thereby imposed on the amount authorised to be levied by or added to a rate were extended so as not to exceed the sum of twopence in the pound.

Power to manufacture slabs &c. from destructor refuse.

240. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connexion with their dust destructor into slabs of artificial stone bricks concrete mortar and other materials and for that purpose may purchase take on lease or otherwise acquire lands by agreement and may upon any lands so acquired by them or subject to the sanction of the Local Government Board and to such conditions as that Board may prescribe upon any lands for the time being vested in them and available for the purpose construct such buildings

and works and may in connexion therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the district fund. A.D. 1907.

241. The provisions of section 20 of the Gasworks Clauses Act 1847 incorporated with the Rawtenstall Electric Lighting Order 1899 shall from and after the passing of this Act be extended so as to confer upon the Corporation in respect of gas pipes pillars and lamps maintained by them within the borough the protection conferred upon the Corporation by that section in respect of electric lines pillars and lamps within the borough. Extension of section 20 of Gasworks Clauses Act 1847 to gas lamps in borough.

242.—(1) Every person who shall carry on business as a dealer in old metal or as a marine store dealer shall register his name and every place of business warehouse store and place of deposit occupied or used by him for the purpose of such business at the municipal offices in a book to be kept by the Corporation for the purpose. As to dealers in old metal and marine stores.

(2) Every person who after the expiration of three months from the passing of this Act shall carry on such business without having so registered shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation their officers and servants and persons authorised in that behalf by the Corporation shall have free access at all reasonable times to every such place of business warehouse store and place of deposit to inspect the same and every person who shall prevent hinder or obstruct any officer servant or person so authorised in the execution of his duty under this subsection shall be liable to a penalty not exceeding forty shillings.

(4) The Corporation shall give public notice of the provisions of this section by advertisement in two newspapers published in the borough.

243. In addition to and without prejudice to any other powers for the time being vested in the Corporation they may retain and use for any purpose for which the Corporation re for the time being empowered to hold lands any lands for the time being belonging to them whether acquired in pursuance of a local or general Act of Parliament or otherwise and not required General power to appropriate lands with consent of Local Government Board or

A.D. 1907.
Board of
Education.

for the purpose for which they were acquired but the powers given by this section shall not be exercised except with the consent of the Local Government Board (or in the case of land acquired for the purposes of the Education Acts 1870 to 1903 of the Board of Education) and subject to such conditions as the Local Government Board or the Board of Education as the case may be may impose.

Corporation
may provide
ambulances.

244. The Corporation may provide ambulances for use in case of sickness and accident happening within the borough and may maintain and keep the same in good order with all necessary horses and attendants and may allow the same to be used by other authorities and persons upon such terms as to payment or otherwise as may be agreed between the parties.

Inquiries
by Local
Government
Board.

245.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under 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 referred to in 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.

Confirmation
of byelaws.

246. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to the byelaws made by an urban authority shall apply to byelaws made by the Corporation under the powers of this Act except byelaws to which provisions of the Tramways Act 1870 are applicable under this Act.

Authentica-
tion and ser-
vice of no-
tices &c.

247. Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may be served in the same manner as

notices under the Public Health Act 1875 are by section 267 A.D. 1907.
(Service of notices) of that Act authorised to be served:

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

248. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Corporation authorised in that behalf or by the town clerk. Informations by whom to be laid.

249. 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 by the Public Health Acts. Compensation how to be determined.

250. The Corporation when they are required by any provision of this Act or any general or local Act to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent. Compensation may be in land.

251. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Corporation.

252. All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk. Consent of Corporation to be in writing.

253. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under As to appeal.

A.D. 1907. the provisions of this Act may if no other mode of appeal is provided by this Act 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 made by a court of summary jurisdiction or a petty sessional court the Corporation may in like manner appeal.

Recovery of penalties.

254. Save as otherwise by this Act expressly provided all offences against this Act and all 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 Provided that costs or expenses except such as are recoverable along with the penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid over to treasurer.

255. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer of the borough and be by him carried to the credit of the district fund or to such other fund as the Corporation shall direct.

Damages and charges to be settled by court.

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

In executing works instead of owner Corporation only liable for negligence.

257. Whenever the Corporation or the surveyor under this Act or any general or local Act or any byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

258. Where in any legal proceedings taken by or on behalf of the Corporation under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution of the Corporation or of any committee of the Corporation a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the mayor of the borough or town clerk shall be primâ facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document.

A.D. 1907.
Evidence of
appoint-
ments autho-
rity &c.

259. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for
indictments
&c.

260. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of
demands.

261. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Application
of section
265 of Pub-
lic Health
Act 1875.

262. 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.

Judges not
disqualified.

263. The provisions of the Municipal Corporations Acts relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Audit of
accounts.

264. The Corporation may from time to time appoint and pay one or more persons being members of the Institute of

Paid audi-
tors.

A.D. 1907. Chartered Accountants in England and Wales or of the Incorporated Society of Accountants and Auditors to act as auditor or auditors of the accounts of the Corporation in addition to the auditors appointed under the Municipal Corporations Act 1882:

Powers of Act cumulative.

265. All the powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

For protection of Accrington Corporation.

266. For the protection of the Accrington Corporation the following provisions shall apply and have effect (that is to say):—

Notwithstanding anything contained in this Act none of the rights or powers thereby conferred shall be exercised within the borough of Accrington or in relation to any tramways or light railways therein without in every case the consent of the Accrington Corporation first being obtained.

For protection of Haslingden Corporation.

267. For the protection of the Haslingden Corporation the following provisions shall apply and have effect (that is to say):—

Notwithstanding anything contained in this Act none of the rights or powers thereby conferred shall be exercised within the borough of Haslingden or in relation to any tramways tramroads or light railways therein or to any supply of electrical energy either therein or for use therein without in every case the consent in writing of the Corporation of that borough first being obtained.

Crown rights.

268. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

269. The costs charges and expenses preliminary and of and incidental to the preparing applying for obtaining and passing 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.

SCHEDULES.

A.D. 1907.

THE FIRST SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED
BY THE CORPORATION.

Township or Parish.	Numbers on deposited Plans.
Rawtenstall	3 4 5

THE SECOND SCHEDULE referred to in the foregoing Act.

FORM OF MORTGAGE.

BOROUGH OF RAWTENSTALL.

By virtue of the Rawtenstall Corporation Act 1907 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Rawtenstall in the county of Lancaster (herein-after referred to as "the Corporation") in consideration of the sum of

pounds paid to the treasurer of the borough by

(herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum of

pounds doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of

pounds shall be fully paid to [him] [or them] with interest for the same (subject as herein-after provided) after the rate of

per centum per annum from the

day of

one thousand nine hundred and

until payment of the said principal sum such interest to be paid half yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the

day of

and the

day of

in

each year]:

A.D. 1907.

And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the municipal offices in the said borough [(subject as herein-after provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the mayor and town clerk of the said borough for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their common seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

Passed under the common seal of }
the Corporation in the presence }
of }

This mortgage is duly registered in the register of mortgages kept by me pursuant to the provisions in that behalf.

Dated this _____ day of _____ one thousand nine hundred and _____

THE ENDORSEMENT within referred to.

The within named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is hereby extended to the _____ day of _____ one thousand nine hundred and _____ [and the interest to be paid thereon on and from the _____ day of _____ one thousand nine hundred and _____ is hereby declared to be after the rate of _____ per centum per annum].

Dated this _____ day of _____ one thousand nine hundred and _____

Witness

FORM OF TRANSFER OF MORTGAGE.

BOROUGH OF RAWTENSTALL.

I [the within-named] A.B. [of _____] in consideration of the sum of _____ pounds paid to me by _____ of _____ (herein-after called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the

within written security] [the mortgage number of the revenues A.D. 1907.
of the Corporation of the borough of Rawtenstall at the
yearly rate of in the hundred bearing date the day
of] and all my right and interest under the same subject
to the several conditions on which I hold the same at the time of the
execution hereof and I the transferee for myself my executors adminis-
trators and assigns do hereby agree to take the said mortgage security
subject to the same conditions.

Dated this day of one thousand nine hundred
and

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