

CHAPTER cxvi.

An Act to extend the Borough of Blackburn; to make further provision for its Local Government and Improvement; and for other purposes. A.D. 1879.
[3d July 1879.]

WHEREAS the borough of Blackburn, in the county palatine of Lancaster, is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as "the Corporation"), and is subject to the Municipal Corporation Acts:

And whereas the Corporation, acting by the Council of the borough, are the sanitary authority for the district of the borough, with the powers and obligations of an urban sanitary authority:

And whereas the several Local Acts relating to the borough enumerated in the First Schedule to this Act are wholly or partly in force, and are in this Act collectively referred to as "the former Acts," and separately by the respective short titles mentioned in such schedule:

And whereas it is expedient that the boundaries of the borough be extended so as to comprise a portion of the township of Lower Darwen, and so much of the township of Little Harwood as is not now within the borough, and that provision be made for dividing the extended borough into wards and for defining the names and boundaries thereof:

And whereas it is expedient to make provision, as in this Act mentioned, for certain street improvements, and for more effectually disposing of and dealing with sewage and other like matters, and for conferring further powers upon the Corporation for sanitary improvement and regulation, and for regulating public vehicles plying for hire within the borough, and for the other purposes in this Act mentioned:

And whereas by the Improvement Act, 1870, the Corporation were authorised to borrow on the credit of the general district fund the sum of two hundred and thirty-five thousand pounds, which was 33 & 34 Vict.
c. clx.

[Ch. cxvi.] *Blackburn Improvement Act, 1879.* [42 & 43 VICT.]

A.D. 1879. to be applied, (1) as to twelve thousand nine hundred and ninety-six pounds four shillings and threepence, in repayment of certain moneys then expended in respect of the Improvement Act, 1854, and the Towns Improvement Act, 1847; (2) as to one hundred and eighty-nine thousand pounds, for the purposes of the sewerage works and acquisition of lands and easements therefor authorised by the Improvement Act, 1870; (3) as to twenty-four thousand pounds, for certain street improvements authorised by that Act; and the balance was to be applied (first) in payment of the costs of that Act, and (secondly) for the purposes of the cattle market thereby authorised:

17 & 18, Vict.
c. clxxxiii.
10 & 11 Vict.
c. 34.

And whereas of the sum of one hundred and eighty-nine thousand pounds so authorised to be borrowed for the said sewerage works and lands the Corporation have only borrowed for those purposes the sum of one hundred and one thousand and ninety-one pounds, but the money to be raised by such unexhausted borrowing powers will be required for the purposes for which it was authorised to be raised:

And whereas of the sum of twenty-four thousand pounds so authorised to be borrowed for street improvements the Corporation have only borrowed for those purposes the sum of two thousand three hundred and two pounds, and as the powers of the Corporation for effecting such street improvements have expired, there is thus left an unexhausted borrowing power for street improvements of twenty-one thousand six hundred and ninety-eight pounds:

And whereas the Corporation have since the passing of the Improvement Act, 1870, and up to the thirtieth of June one thousand eight hundred and seventy-eight, expended in the execution of a certain street improvement the sum of ten thousand three hundred and ninety-five pounds eleven shillings, and a further expenditure is needed to complete such street improvement and other street improvements now in progress, and it is expedient that such past and further expenditure, and also (as far as can be) the expenditure required for the street improvements by this Act authorised, be defrayed out of moneys to be raised by the exercise of the unexhausted borrowing powers of the Corporation under the Improvement Act, 1870, for street improvements:

And whereas of the said sum of two hundred and thirty-five thousand pounds authorised to be borrowed by the Improvement Act, 1870, the sum of four thousand six hundred and ten pounds nine shillings and sixpence only was the ultimate balance applicable to the purposes of the cattle market authorised by that Act, which sum proved insufficient, and the Corporation have up to the

thirtieth of June one thousand eight hundred and seventy-eight expended for those and other market purposes a further sum of ten thousand eight hundred and fifty-four pounds four shillings and twopence: A.D. 1879.

And whereas since the passing of the Improvement Act, 1870, and up to the thirtieth of June one thousand eight hundred and seventy-eight, the Corporation have expended for permanent works of main sewerage the sum of eighty-one thousand eight hundred and four pounds:

And whereas since the passing of the Improvement Act, 1870, and up to the thirtieth of June one thousand eight hundred and seventy-eight, the Corporation have expended for slaughter-houses and permanent works for sanitary purposes the sum of fifteen thousand seven hundred and ninety-two pounds and tenpence:

And whereas under the powers of the Improvement Acts the Corporation are executing certain permanent works for the paving of the rivers Blakewater and Darwen within their borough:

And whereas by the Improvement Act, 1877, all the borrowing powers conferred by the former Acts for waterworks purposes were repealed, except that for the purposes of the waterworks authorised by the Water Act, 1875, and which were not by the Improvement Act, 1877, authorised to be abandoned, the Corporation were authorised to borrow the sum of seventy thousand pounds: 40 & 41 Vict.
c. cxv.

And whereas no part of that sum has been raised for those purposes, and the Corporation have constructed a certain reservoir and works and wells for affording a supply of water to the higher parts of the borough (in this Act referred to as the high level supply waterworks), and it is expedient that the expenditure in respect of those works be defrayed out of moneys to be raised by the exercise of the unexhausted borrowing powers of the Corporation for the waterworks authorised by the Water Act, 1875, and not abandoned: 38 & 39 Vict.
c. cxxxvi.

And whereas it is expedient that the Corporation be authorised to borrow money for laying of mains and other permanent works in connexion with their gas and water undertakings:

And whereas by the Improvement Act, 1870, the Town Hall, fire brigade station, fire engines, and apparatus which the Corporation had erected and provided under the Improvement Act, 1854, were vested in the Corporation as part of their corporate property under the Municipal Corporation Acts:

And whereas since the passing of the Improvement Act, 1870, the Corporation have expended in the erection of dwellings for the firemen the sum of four thousand one hundred and sixty-nine pounds seventeen shillings and twopence, and they are erecting further

A.D. 1879. — municipal offices and buildings, and it is expedient that the same respectively should likewise be corporate property, and that the Corporation be authorised to borrow money for meeting the expenditure thereon on the credit of the borough fund :

And whereas it is expedient to authorise the Corporation to create consolidated debenture stock, and to raise money for the purposes in this Act mentioned, and that further provision be made with reference to the borrowing powers and securities of the Corporation, and the repayment of borrowed moneys :

And whereas plans and sections showing the lines, situations, and levels of the street improvements authorised by this Act, and also books of reference to such plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Lancaster, and are in this Act respectively referred to as the deposited plans, sections, and books of reference :

38 & 39 Vict. c. 55. And whereas estimates have been prepared for the purchase of land for and the execution of the works by this Act authorised, and for other purposes authorised by the former Acts, or some of them, and (as to municipal offices and buildings) under the Public Health Act, 1875, and such estimates are as follows; (that is to say,)

	£
For street improvements - - -	45,250
For main sewers and storm overflow works -	30,000
For market purposes - - -	6,000
For sanitary works - - -	21,000
For paving rivers - - -	10,000
For drainage, sewerage, lighting, and other improvements in added area - -	30,000
For gas purposes - - -	30,000
For water purposes - - -	20,000
For municipal offices and buildings - -	8,000

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

And whereas an absolute majority of the whole number of the Council of the borough, at a meeting held on the ninth day of November one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting, and of the purposes thereof, in the *Blackburn Times*, 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 : A.D. 1879.

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

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 sixteenth day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill in Parliament :

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

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

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Blackburn Improvement Act, 1879*, and this Act and the former Acts may be cited together as the *Blackburn Gas, Water, and Improvement Acts, 1853 to 1879*. Short title.

2. This Act, so far as is consistent with the tenor thereof, shall be construed as one with the former Acts. Construction of Act.

3. This Act shall come into operation on the first day of November one thousand eight hundred and seventy-nine, which day is in this Act referred to as "the commencement of this Act" : Commencement of Act.
Provided—

(1.) That as to all proceedings or things to be done or taken, whether within the added area or the existing borough, in or towards the preparation, revision, and completion of the burgess list, burgess roll, or other lists to be made under the Municipal Corporation Acts, or the Parliamentary and Municipal Registration Act, 1878, and for 41 & 42 Vict. c. 26.

A.D. 1879.

all purposes of nominations for or otherwise preliminary or incidental to municipal or other elections (including the appointment of polling districts) to be held in or after November one thousand eight hundred and seventy-nine, this Act shall come into operation immediately on the passing thereof; and

- (2.) That for the purposes of any such burgess list, burgess roll, and other lists, and of the functions of overseers and the mayor and town clerk under the Municipal Corporation Acts or the Parliamentary and Municipal Registration Act, 1878, in relation thereto respectively, and for the purposes of occupation, rating, or any other matter of qualification within or with reference to the added area, that area shall be deemed to have always formed part of the borough, and for those purposes this Act, the Municipal Corporation Acts, and the Parliamentary and Municipal Registration Act, 1878, shall have effect as if the alteration of wards took effect on and after the passing of this Act.

Interpreta-
tion of terms.

4. In this Act—

“The existing borough” and “the existing sanitary district” mean respectively the said municipal borough and urban sanitary district as the same existed at the passing of this Act:

“The borough” and “the sanitary district” mean respectively the borough and urban sanitary district of Blackburn as extended by this Act:

“The added area” means the districts and places added to the existing borough by this Act:

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough:

“The district fund” and “the general district rates” mean respectively the district fund or general district fund and general district rates of the borough:

“The Municipal Corporation Acts” means the Municipal Corporation Act, 1835; and the Acts amending the same:

“The Public Health Acts” means the Public Health Act, 1875, and the Acts amending the same:

“Infectious disease” means small-pox, cholera, fever, and diphtheria:

Terms to which meanings are assigned in enactments wholly or partially incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in this Act, and (for the

5 & 6 W. 4.
c. 76.

purposes of this Act) in enactments incorporated with this Act, the terms "the undertakers" or "the promoters of the undertaking" or "the company" shall mean the Corporation; the terms "superior courts" or "court of competent jurisdiction," or any other like term, shall be read and have effect as if the debt or demand with respect to which they are respectively used were a common simple contract debt, and not a debt or demand created by statute.

A.D. 1879.

5. This Act, except where otherwise expressed or implied, shall apply exclusively to the borough.

Limits of Act.

6. Subject to the provisions of this Act, this Act shall be carried into execution by the Corporation acting by the Council, and according to the Municipal Corporation Acts, the Public Health Acts, the Improvement Acts, and other Acts respectively for the time being affecting the Corporation as a municipal body and as a sanitary authority respectively, and with all the rights, powers, privileges, exemptions, and authorities conferred by those Acts respectively on the Corporation or on the Council and committees of the Council, and the officers, agents, and servants of the Corporation, with respect to matters provided for by or comprised in the Municipal Corporation Acts, the Public Health Acts, Improvement Acts, and other Acts respectively, and as nearly as may be in all respects as if the powers, duties, exemptions, and property vested in, imposed on, or enjoyed by them by or under this Act were vested in, imposed on, or enjoyed by them by or under the Municipal Corporation Acts, the Public Health Acts, the Improvement Acts, and other Acts respectively.

Act to be executed by Council.

PART II.—EXTENSION OF THE BOROUGH.

7. On and after the commencement of this Act, and subject to the provisions thereof, the districts and places described in the Second Schedule to this Act shall be added to the existing borough and the existing sanitary district, and be included within and form part of the borough and sanitary district for all purposes whatsoever, and shall for all purposes cease to be included in or to form part of any rural sanitary district.

Extension of borough.

8. The boundaries of the borough as altered by this Act are shown on the borough plan signed in duplicate by John Stewart Gathorne Hardy, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, and within one week after the passing of this Act one copy of the said plan so signed shall be deposited in the Private Bill Office of the House of Commons and the other at the office of the town clerk.

Plan of borough boundaries, and deposit thereof.

A.D. 1879.

Authority
of Corpora-
tion, &c.
extended.

9. Subject to the provisions of this Act, the powers, rights, privileges, authorities, and duties of the Corporation as a municipal body under the Municipal Corporation Acts, and their charter, and all Acts and laws for the time being in force affecting the Corporation as a municipal body, and of the Corporation acting in the execution of such of the provisions of the Improvement Acts as are at the commencement of this Act in force within the existing borough, and of the Corporation acting by the Council as the sanitary authority for the existing sanitary district, and of all officers and servants of the Corporation, shall extend to and throughout the borough and the sanitary district, and, subject to the provisions of this Act, all enactments, byelaws, regulations, and orders immediately before the commencement of this Act in force within or applicable to the existing borough and existing sanitary district shall extend and apply to the borough and the sanitary district.

Power of
Corporation
to levy rates.

10. Subject to the provisions of this Act, all borough, general district, and other rates which the Corporation are under the Municipal Corporation Acts, the Public Health Acts, the Improvement Acts, or any other Act of Parliament authorised to order, make, or levy, and which but for the passing of this Act would be made, raised, and levied, throughout the existing borough, shall and may, from and after the commencement of this Act, be made, raised, and levied respectively by the Corporation throughout the borough.

Jurisdiction,
&c. of
borough jus-
tices ex-
tended.

11. The jurisdiction, powers, authorities, rights, privileges, and duties of the justices of the peace appointed for the existing borough, whether acting in petty sessions or out of sessions, or otherwise, and of all constables and other peace officers of the existing borough, shall extend to and throughout the borough for all purposes, and the justices of the peace and constables or police officers of the county of Lancaster shall not have or exercise any further or other jurisdiction or powers within or in respect of the added area, or any part thereof, than they now lawfully have and exercise within and in respect of the existing borough.

Partial ex-
emption of
added area
from general
district rates.

12. With respect to the assessment and levying of general district rates, the following provisions shall have effect; (namely,)

- (1.) No general district rates made or levied before the first day of January one thousand eight hundred and eighty shall apply to the added area or any part thereof:
- (2.) Any general district rates made or levied on or after the first day of January one thousand eight hundred and eighty shall as regards the added area be subject to the

provisions, exceptions, exemptions, regulations, and conditions now or for the time being in force with respect to general district rates made or levied within the existing borough or the borough, and also to the following additional exemption ; (namely,)

A.D. 1879.

For a period only of six years from the first day of January one thousand eight hundred and eighty no occupier or owner (as the case may be) of lands and hereditaments within the added area to which section eighty-seven of the Improvement Act, 1870 ("certain kinds of property assessed on one fourth of their net value"), applies shall be liable to or charged with any greater proportion of the rate to which he is assessed or liable than one half of the amount thereof, and for a period only of five years from the same day no occupier or owner (as the case may be) of lands, houses, and hereditaments within the added area to which the said section eighty-seven does not apply shall be liable to or charged with any greater proportion of the rate to which he is assessed or liable than one half of the amount thereof, and the same rate may be collected, recovered, and paid in the same manner in all respects as if it had been the whole amount of such rate :

- (3.) Nothing in this Act shall alter or affect any lease, contract, or agreement made or entered into between the landlord and tenant of any premises within the added area before the commencement of this Act :
- (4.) No general district rate made or levied in the borough shall be invalid by reason only of its being made, levied, collected, or recovered in conformity, as regards the added area, with the provisions of this section.

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

Added area exempt from certain rates.

- (A.) All highway rates to be made in respect of the parish or township in which the same are respectively situate :
- (B.) All rates to be made by or for the purposes of the rural sanitary authority of such added area :
- (C.) All county rates, except only to the extent and for the purposes to and for which the existing borough is liable to county rates at the passing of this Act :

Provided that the aforesaid exemptions shall not exempt any person from the payment of any rate assessed and payable before the commencement of this Act, but all such rates assessed and

Exemption from rates not to affect rates payable before the

[Ch. cxvi.] *Blackburn Improvement Act, 1879.* [42 & 43 VICT.]

A.D. 1879.

commence-
ment of Act.

payable before that date shall be paid and recovered as if this Act were not passed.

Provision as
to cleansing
and improv-
ing rivers
Blakewater
and Darwen.

14. The provisions of section forty-six of the Improvement Act, 1854 ("for better cleansing and improving the waterway of the "Blakeburn or Blakewater"), shall apply to so much of the River Blakewater and its tributaries as is within the added area, and also to so much of the River Darwen and its tributaries as is within the added area, and to so much of the rivers Blakewater and Darwen and their tributaries respectively as abut on the added area.

Provision as
to Duke
Street in
Lower
Darwen.

15. On and after the commencement of this Act the street or road within the township of Lower Darwen known as Duke Street, and which leads from the high road running through the village of Lower Darwen, past the United Methodist Chapel, to Lower Eccles-hill Lane, shall become a highway and part of the public streets or roads maintainable and repairable by the inhabitants at large within the borough, and the same shall accordingly vest in and be under the control of the Corporation.

Turnpike
tolls not to
be taken in
the borough.

16. Subject to the provisions of this Act, on and after the commencement of this Act no tolls shall be collected or taken on any road within the added area, and the several turnpike roads within the same shall cease to be turnpike roads, and all liability on the part of any turnpike trustees with regard to the said roads and the maintenance and repair thereof shall cease and determine, and the said roads shall thenceforward be highways vested in and maintained and repaired by the Corporation.

Saving of
24 & 25 Vict.
c. xx.

17. Until the expiration of the time limited by the Elton and Blackburn Roads Act, 1861, for the continuance of that Act, nothing in this Act shall apply to or in any manner affect any of the provisions of that Act with respect to such parts of the Elton and Blackburn roads (as defined by that Act) as are situate within the added area, and all the powers, rights, liabilities, and duties of the trustees of the said Elton and Blackburn roads shall until the said time continue as if this Act had not passed, and it shall until the said time be lawful for the trustees or their lessees to maintain their existing toll-gates and toll-houses within the added area, and to take tolls thereat, and exercise all other powers of the said Elton and Blackburn Roads Act in respect thereof as if this Act had not passed.

Provision as
to erection of
substituted
toll bars and
houses.

18. The Corporation shall pay to the trustees of any turnpike road (except to the trustees of the Elton and Blackburn roads) whereon or by the side whereof any toll-house now standing and being within the added area is situate all the reasonable costs,

charges, and expenses incurred in or incident to the providing of sites in such places without the borough as may be reasonably fit and proper, and to the building and erecting another toll-house in lieu of and of similar construction and dimensions to and in all respects as commodious as the present toll-house, and also the expenses of and incident to the taking down of any toll-house, and the removal of any present toll-gate, and the re-erecting of the same at or near any new toll-house; and upon such payment being made the toll-houses and toll-gates and the sites thereof situate within the borough shall absolutely vest in the Corporation.

A.D. 1879.

19. The borough shall be divided into seven wards having respectively the names and boundaries contained in the Third Schedule to this Act, and shown upon the borough plan signed in duplicate and to be deposited as aforesaid.

Borough to be divided into wards.

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

Copies of deposited plans showing boundaries to be evidence.

21. The borough shall continue to have fourteen aldermen and forty-two councillors, and each ward shall continue to return six councillors.

Number of aldermen and councillors.

22. The councillors for the existing Park Ward, Trinity Ward, and Saint Mark's Ward respectively holding office on the thirty-first day of October one thousand eight hundred and seventy-nine shall, on the first day of November one thousand eight hundred and seventy-nine, for the purposes of retirement or continuance in office, be deemed to be the councillors of those wards respectively as altered by this Act, and shall retire or continue in office as if this Act had not passed.

Provision as to councillors of altered wards.

23. The auditors of the existing borough, or such of them as remain in office, and the persons (if any) elected in the stead of any who shall have ceased to be in office prior to the first day of March one thousand eight hundred and eighty, shall continue to be auditors of the borough until that day on which new auditors shall be elected pursuant to the Municipal Corporation Acts.

Auditors.

24. Subject to the provisions of this Act, all elections, vacations of office, and rotations shall be regulated and governed by the Municipal Corporation Acts and other Acts for the time being in force with respect thereto respectively.

Municipal Corporation Acts to apply to other elections, &c.

A.D. 1879.

Saving certain sections of 22 Vict. c. 35.

25. Notwithstanding anything in this Act, sections one, two, and three of the Municipal Corporations Act, 1859 (relating to the division of boroughs into wards), and any enactment substituted for or amending the same, shall continue to apply to the borough.

PART III.—STREET IMPROVEMENTS.

Incorporating 8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 32 & 33 Vict. c. 18.

26. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are, except where expressly varied by this Act, incorporated with and form part of this Act.

Correction of errors, &c. in plans, &c.

27. If any omission, mis-statement, or wrong description of any land, or of any owner, lessee, or occupier of any lands, described in or intended or purporting to be described in the deposited plans and book of reference be discovered, the following provisions shall have effect; (that is to say,)

The Corporation may apply to two justices for the correction thereof, giving ten days notice in writing to the owners, lessees, and occupiers of the lands affected by the proposed correction: If it appears to such justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same, stating in the certificate the particulars of the omission, mis-statement, or wrong description:

The certificate shall be deposited with the clerk of the peace for the county of Lancaster, who shall safely keep the same in like manner and subject to the like regulations as the deposited plans and book of reference:

Thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate, and the Corporation may enter on, take, and use the lands for the several purposes to which they are appropriated by this Act, in accordance with the certificate, as if there had not been any omission, mis-statement, or wrong description:

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 he shall give when required under his hand to any person interested) shall be conclusive evidence of such correction.

Power to make street improvements.

28. Subject to the provisions of this Act, the Corporation may make and maintain the street improvements herein-after mentioned and shown on the deposited plans, together with all necessary works and conveniences connected therewith or incident thereto, in the lines and situations shown on the deposited plans and upon the levels shown on the deposited sections, and for those purposes may enter upon, purchase, take, and use such of the said lands delineated

on the deposited plans and described in the deposited book of reference, and any right or easement in, over, or under the same, as shall be necessary for such works, and also for the purpose of securing sites for the erection of suitable houses and buildings adjoining thereto; (that is to say,)

- (1.) To widen and improve Salford on its northerly side between Vicar Street and premises numbered 55 in Salford, and between the "Peel's Arms" and the premises known as the "Lord Nelson":
- (2.) To widen and improve Penny Street and Salford on the easterly side of the former and the northerly side of the latter, and the termini of this improvement are the boundary lines of the whole site of the "Bull's Head Inn" and its appurtenances at the junction of those two streets:
- (3.) To widen and improve Penny Street and Salford on their westerly sides, and Water Street on its north-easterly side, from the south-easterly corner of the premises numbered 7 in Penny Street to the most westerly corner of the spirit vaults and premises known as the "Mason's Arms Vaults" in Water Street:
- (4.) To widen and improve Salford on its southerly side from the most northerly corner of the premises numbered 34 in that street to a point thirty yards or thereabouts to the north-east thereof, and terminating in the easterly side of the offices and premises belonging or reputed to belong to and in the occupation of Messieurs Shaw and Rutherford:
- (5.) To widen and improve Lord Street on its south side from the easterly side of King William Street to a point measuring seven yards or thereabouts to the east thereof, and terminating in the easterly boundary of the shop and premises numbered 24 in King William Street:
- (6.) To widen and improve Lord Street on its north side from or near the westerly side of the shop and premises numbered 8 in that street to Northgate:

Provided always, that the Corporation shall not purchase otherwise than by agreement so much of the lands in the township and parish of Blackburn, numbers 16 to 25, both inclusive, and 27 on the deposited plans, as lie on the north side of the proposed new line of the street called Salford, and so much of the lands in the same parish and township, numbers 44 to 48, both inclusive, and 52 to 55, both inclusive, on such plans, as lie on the north side of a line coloured red on a copy of such plans deposited in the Private Bill

A.D. 1879. Office of the House of Commons, and signed by John Stewart Gathorne Hardy, Esquire, the Chairman of the Committee to whom the Bill for this Act has been referred.

Compulsory purchase of lands.

29. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years after the passing of this Act.

Period for completion of works.

30. The works authorised by this Act shall be completed within five 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 those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed; provided that the cesser of those powers shall not prevent the Corporation from executing from time to time thereafter any works in connexion with so much of those works as is then completed.

Deviation.

31. In the construction of the works authorised by this part of this Act the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards, and they may deviate laterally within the limits of deviation shown on the deposited plans, and beyond these limits with the consent of the person in whose lands such deviation is to be made.

Power to make subsidiary works.

32. Subject to the provisions of this Act, and within the limits defined on the deposited plans, the Corporation, in connexion with the street improvements 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 street improvements or any of them, and may make diversions, widenings, or alterations of lines or levels of any existing streets for the purpose of connecting the same with the improved streets or of any of them, or of crossing under or over the same or otherwise, and may alter, divert, stop up, inclose, 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, channel, void ground, 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 three hundred and eight 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.

33. 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, windows, and channels, pipes, or spouts belonging to any house or building, and also the drains, mains, and the leaden or other pipes which for the purpose of conveying water or gas to any house or other place shall be laid into or from any main 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 Corporation shall make reasonable compensation to any corporation or person who suffers damage by any such alteration.

A.D. 1879.
Power to alter steps, areas, pipes, &c.

34. The Corporation may cause such part of the streets improved by them under the provisions of this Act to be laid out for a carriageway and footway respectively as they think proper.

Power to set out carriageway and footway.

35. The Corporation may sell the materials of the houses and buildings which may be purchased or taken by them under the powers of this Act.

Power to sell materials.

36. The sites of all houses and all lands purchased by the Corporation under the powers 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.

Lands laid into new streets to be public highways.

37. And whereas in the case of the property herein-after referred to a portion thereof will be sufficient for the purpose of effecting the objects of the Corporation, and it may happen that such portion may be severed from the remainder of the property without any material detriment to the use and enjoyment of such property: Therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands and buildings in the parish of Blackburn numbered on the deposited plans 56, and whereof part only is required for the purposes of this Act, may, if such portion can in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation therefor be severed from the remainder of the said property without material detriment thereto, be required to sell and convey to the Corporation the part only of the premises so required by the Corporation, without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof, the Corporation paying for the

Owners may be required to sell part of properties.

A.D. 1879. — part required by them, and making compensation for any damage sustained by the owners thereof or other parties interested therein by reason of the severance or otherwise by the execution of the works.

Purchase and extinguishment of easements.

38. The Corporation may (but by agreement only) purchase any easement which they may require for the purposes of the street improvements authorised by this Act, and for the purposes of every such purchase the term "lands" in the said Lands Clauses Consolidation Acts shall be deemed to include easements.

Power to lease surplus lands.

39. In case any lands which shall be purchased under the provisions of this Act and cleared shall not be laid into and form part of the improvement, the Corporation may, when and as they shall think fit so to do, demise and lease such lands or such parts thereof as the Corporation shall think it expedient to let on building leases, either altogether or in parcels, to any person or persons who shall erect and build or covenant and agree to erect and build thereon, or on any part thereof, houses, erections, and buildings of such rate or class of building, and upon such plan and elevation, and of such height and with such storeys as the Corporation shall think proper, for any term or number of years to determine at or before the expiration of ninety-nine years from and after the passing of this Act, so as there be reserved in every such demise or lease such yearly rent, to be incident to the immediate reversion of the premises therein comprised, as to the Corporation shall seem reasonable, and so that in every such demise or lease there be contained a covenant for the payment of the rent thereby to be reserved, and such other covenants on the part of the tenant or lessee to be therein named as the Corporation shall reasonably advise or require, and also a clause in the nature of a condition of re-entry on non-payment of the rent thereby to be reserved, or on non-performance of the covenants therein to be contained and on the part of the tenant or lessee to be observed and performed, and every such tenant or lessee shall give such good and sufficient security for the erecting, finishing, and completing of every such house, erection, and building which he shall covenant or agree to erect within the time in which he shall have contracted to finish the same as the Corporation shall order and direct, and further, that in any such lease the Corporation may, if they think fit, accept and take any fine for the granting thereof, and may enter into any agreement for the granting any lease on such terms and conditions as they may think fit, and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases, and may apportion the same and grant separate leases of any

part of the hereditaments by any such agreement agreed to be leased, as the Corporation think fit, and may also alter or rescind any agreement as aforesaid, and may accept any surrender of any lease granted, for the purpose of granting separate leases of the same premises at apportioned rents, or under different covenants, or otherwise, in all respects as the Corporation shall think fit, and any part of the said land may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased, as the Corporation shall think fit.

A.D. 1879.

40. The Corporation shall sell and dispose of, or cause to be sold and disposed of, the ground rents to be reserved by the leases or demises, or agreed to be reserved by any such agreement as aforesaid, in pursuance or in consideration of which the houses shall have been erected and built, or shall be agreed to be erected and built, and also the reversion and inheritance in fee simple in possession (subject to such leases, demises, or agreements of the lands therein demised or agreed to be demised) of the houses, erections, and other buildings, except such as shall have been otherwise disposed of pursuant to this Act, either altogether or in parcels, by public auction or private contract, for such price or prices or sum or sums of money as the Corporation shall think reasonable, and subject to such stipulations and provisions for the enjoyment thereof, and as to the nature of the buildings which are to be at all times erected and built, and also subject to such stipulations as to the title to be produced to the hereditaments to be sold, as the Corporation shall think fit, and as regards any stipulations or provisions which may be contained in any such conveyance, the same may at all times thereafter be enforced by the Corporation for the benefit of the parties entitled to the other property adjoining or held under the same title, in such manner in all respects as the Corporation shall think fit.

As to sale of ground rents.

41. Subject to the provisions of this Act, the Corporation may, if they shall think it expedient so to do, sell and dispose of, in the manner herein-before directed, all or any lands which they may have purchased under the powers of this Act, and which shall not be laid out and form part of the improvement, without having previously granted or agreed to grant any lease thereof, and convey and assure the same unto the purchaser or respective purchasers thereof for any sum or sums of money, and upon, under, and subject to such terms and conditions, and with, under, and subject to such covenants and agreements on the part of the person or persons purchasing or agreeing to purchase the same, with respect to the size or class of the houses, erections, and buildings to be erected thereon, and the height, size, and elevations thereof, and the time

Corporation may sell land in the first instance without having previously granted a lease thereof.

A.D. 1879. — and manner of erecting the same, and with respect to any other matters, restrictions, and things relating thereto, as the Corporation shall think fit to impose.

Corporation may grant a lease, &c. of lands.

42. The Corporation may from time to time let, either from year to year or for a term at rack-rent, or exchange or otherwise dispose of any building or lands, or any part thereof, acquired by them under this Act, and not required to be laid into and form part of the improvements or any of them, and may execute and do any deed, act, or thing proper for effectuating any such lease, exchange, or other disposition.

Corporation to sell, &c. lands not wanted.

43. Subject to the provisions of this Act, the Corporation shall, within ten years after the completion of the improvement for the purposes of which the lands have been acquired, or within twenty years after the passing of this Act, whichever shall first happen, sell and dispose of to any person or persons and grant and convey such parts of the said lands as they may have purchased under the authority of this Act which shall not be wanted for the purposes of the improvements.

Receipts of Corporation to be effectual discharges.

44. The receipt of the Corporation for any purchase moneys, rents, or profits, or other money payable to the Corporation by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received, and the person to whom the same shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Application of moneys from sale, &c. of lands.

45. The Corporation shall apply all moneys from time to time receivable by them in respect of any sales, exchanges, or dispositions of lands and premises by this part of this Act authorised in or towards paying off moneys for the time being owing on the credit of the general district fund, independently of the sinking fund, and the borrowing powers of the Corporation shall be reduced to the extent of any amount so paid off.

Notice to be given of taking houses of labouring classes.

46. The Corporation shall, not less than eight weeks before they take in the borough fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Corporation shall not take any such houses until they have obtained the certificate of a justice, not being a member of the Corporation, that it has been proved to his satisfaction that they have so made known their intention.

47. Before taking in the borough fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, the Corporation shall (unless the Corporation and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, not being a member of the Corporation; and the Corporation may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may hold and demise or sell the same, and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

A.D. 1879.
—
Corporation to procure accommodation for persons of the labouring classes to be displaced.

PART IV.—BORROWING POWERS.

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

Power to borrow.

- (1.) On the security of the district fund and general district rate:
 - (A.) For street improvements, the sum of thirty-three thousand nine hundred and fifty pounds;
 - (B.) For main sewers and storm overflow works, the sum of one hundred and eleven thousand eight hundred and four pounds;
 - (C.) For market purposes, the sum of sixteen thousand nine hundred pounds;
 - (D.) For sanitary works, the sum of thirty-six thousand eight hundred pounds;
 - (E.) For paving rivers, the sum of ten thousand pounds:
- (2.) On the security of the borough fund and borough rate, for firemen's dwellings and municipal offices and buildings, the sum of twelve thousand five hundred pounds:
- (3.) On the security of the revenue of the gas undertaking, for gas purposes, the sum of thirty thousand pounds:
- (4.) On the security of the revenue of the waterworks undertaking, for waterworks purposes, the sum of twenty thousand pounds:

A.D. 1879.

(5.) For the purposes of the drainage, sewerage, lighting, and other necessary improvements within the added area, and for any other purposes of this Act, on the security of the borough fund, borough rate, district fund, and general district rate, or any of those securities, the sum of thirty-five thousand pounds; provided that the amount to be borrowed under this sub-section on the security of the borough fund and borough rate shall not exceed the sums requisite for the payment of the costs of this Act directed to be paid thereout by the concluding section of this Act.

The expression "the gas undertaking" or "the waterworks undertaking" in any mortgage or other security relating thereto granted by the Corporation after the passing of this Act shall mean the revenue of those respective undertakings of the Corporation: Provided always, that section eighty-seven of the Improvement Act, 1870 ("certain kinds of property assessed on one fourth of their "net value"), shall be incorporated with and form part of this Act, and shall apply to any increase made under the authority or for the purposes of this Act to any general district rate levied within the borough.

Power to raise money for street improvements under 33 & 34 Vict. c. clx.

49. The expenses of and incidental to the execution of the street improvements executed since the passing of the Improvement Act, 1870, and of so much of the expenses of the street improvements by this Act authorised as are not by this Act otherwise provided for, shall be defrayed out of the moneys borrowed or to be borrowed under the powers of sections ninety-two and one hundred and two of the Improvement Act, 1870, as part of the sum of twenty-four thousand pounds thereby authorised to be borrowed for street improvements, and as if the said street improvements had been expressly authorised by the Improvement Act, 1870.

Money to be raised for waterworks purposes under 40 & 41 Vict. c. cxv.

50. The expenses of and incidental to the execution of the high level supply waterworks shall be defrayed out of moneys borrowed or to be borrowed under the powers of section one hundred and twenty-eight of the Improvement Act, 1877, as part of the sum of seventy thousand pounds thereby authorised to be borrowed for the purposes of the waterworks authorised by the Water Act, 1875; provided that the sum to be so borrowed or re-borrowed for the purposes of this section shall not exceed the sum of thirteen thousand pounds.

Application of 38 & 39 Vict. c. 83.

51. Except as by this Act otherwise provided with reference to the issue of consolidated debenture stock, the Local Loans Act, 1875, shall apply to all the loans to be raised under this Act, and

[42 & 43 VICT.] *Blackburn Improvement Act*, 1879. [Ch. cxvi.]

the prescribed method of discharge shall in each case be a sinking fund, and the prescribed period shall in each case be eighty years. A.D. 1879.

52. The first payment into the sinking fund to be provided for the repayment of the moneys authorised to be borrowed under the Improvement Act, 1877 (other than those authorised to be raised for the redemption of the gas annuities), shall, notwithstanding anything in that Act or the Local Loans Act, 1875, contained, be made within the same period as the first payment into the sinking fund to be provided for the repayment of the moneys authorised to be borrowed under this Act is to be made, and the prescribed period for the discharge of the said moneys authorised to be borrowed under the Improvement Act, 1877, shall in each case be eighty years. Uniform sinking fund for moneys borrowed under 40&41 Vict. c. cxv. and this Act.

53. All moneys raised under the provisions of this Act shall be applied only to the purposes for which they are by this Act authorised to be borrowed, and to which capital is properly applicable, and for no other purposes. Application of moneys borrowed.

54. Nothing in this Act contained shall in anywise prejudice or affect the rights of the holders of existing mortgages or bonds of the Corporation, and all mortgages or charges to be created under this Act shall be subject to the mortgages and bonds at present existing and secured upon the same undertakings, rates, or funds. Priority of existing mortgages.

55. No mortgages or charges granted by the Corporation under this Act on the security of the gas undertaking shall during the continuance of any of the gas annuities granted by the Corporation under the Improvement Act, 1877, have priority over any such annuities against the gas undertaking. Priority of gas annuities.

56. No mortgages or charges granted by the Corporation under this Act on the security of the waterworks shall during the continuance of any of the annuities granted by the Corporation under the Improvement Act, 1854, have priority over any such annuities against the waterworks undertaking. Priority of water annuities.

57. The treasurer of the borough shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or to be paid by way of instalment under this Act, transmit to the Local Government Board a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid off by way of instalment and the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same, and the interest thereof, has been invested, and also showing the purposes to which any portion of the Annual return to Local Government Board with respect to sinking fund.

A.D. 1879. — moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the said treasurer shall be liable to a penalty of not exceeding twenty pounds. If it appears to the Local Government Board by such return or otherwise that the Corporation as such urban sanitary authority have failed to pay by way of instalment or to set apart for the sinking fund the sum required by this Act, or have applied any portion of the money set apart for that fund, or any interest thereof, to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which the default is made be set apart and invested as part of the sinking fund, and their order shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of a court of competent jurisdiction.

Power to
issue consoli-
dated debenture
stock.

58. It shall be lawful for the Corporation to resolve that any perpetual annuities issued by them, or that any portion of their debt then subsisting on security of outstanding mortgages or bonds which the Corporation have been authorised to raise under the powers of the former Acts and of this Act, or any of them, not exceeding an amount to be defined in and by such resolution, may be converted into debenture stock of the Corporation of like amount, either by agreement with the holders of such annuities, mortgages, or bonds, or by paying off the same respectively when due and issuing stock of a corresponding amount, instead of re-borrowing the sums so paid off, and also from time to time to resolve that the whole or any part, to be defined in and by such resolution, of the moneys which the Corporation shall have authority to raise by borrowing under the powers of any of their Acts, including this Act, and which shall not then have been raised, shall or may be raised by the creation and issue of debenture stock of a corresponding amount, instead of borrowing the same, and also to attach to the stock so authorised to be created and issued for any of the purposes aforesaid a fixed and perpetual yearly dividend or interest at any rate not exceeding the rate of four pounds for every one hundred pounds thereof, payable in equal half-yearly portions, and the stock so created and issued shall be a charge upon the borough fund, borough rate, district fund, general district rate, the revenue of the waterworks and gasworks undertakings, and of all landed and other property vested in or belonging to the Corporation, and any other revenue which may be acquired by them, but such stock shall be distributable, transmissible, and transferable as, and in other respects have the incidents of, personal estate, and the stock when so created shall be termed "The Blackburn Corporation Consolidated Debenture Stock" (herein-after referred to as "The Consolidated Debenture Stock").

59. The interest from time to time payable on the consolidated debenture stock of the Corporation shall be paid by and recoverable against the Corporation as if it were interest on mortgages granted under this Act by the Corporation, and the holders from time to time of the consolidated debenture stock shall have like rights and remedies, by the appointment of a receiver, and otherwise, for the recovery of the interest on the debenture stock as if they were mortgagees under this Act of the Corporation.

A.D. 1879.

Interest on debenture stock.

60. Nothing herein contained shall in anywise prejudice or affect the rights of the holders of perpetual annuities or mortgages or bonds of the Corporation at present existing, and all the consolidated debenture stock to be created as aforesaid shall be subject to the mortgages, annuities, and bonds at present existing.

Saving rights.

61. After the conversion of any such annuities or mortgages or bonds into consolidated debenture stock, or after any money shall have been raised by the Corporation by the issue of consolidated debenture stock, it shall not be lawful for the Corporation to issue mortgages or bonds or any other securities for the amount so converted or raised, or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.

Restricting exercise of borrowing powers.

62. Save as is by this Act otherwise expressly provided, nothing herein contained shall operate to diminish or vary any obligation of the Corporation to provide a sinking fund or otherwise to pay off any annuities or moneys borrowed by them under this Act or any other of their Acts.

Reserving provision as to sinking fund.

And such obligation shall continue notwithstanding that the securities for the moneys so raised may be converted into consolidated debenture stock, and in respect of moneys originally raised by the creation and issue of consolidated debenture stock the Corporation shall be under the same obligation to provide a sinking fund or otherwise to pay off the same as if such moneys had been raised by borrowing.

All sinking funds and other moneys applicable to the payment of any moneys for the time being raised by the conversion and issue of consolidated debenture stock may be applied from time to time by the Corporation in the purchase of the consolidated debenture stock, and all stock so purchased shall thereupon be cancelled, and in the meantime, as regards moneys applicable to such repayment and not forming part of any sinking fund, the Corporation may invest and apply the same in like manner as if they were moneys paid into a sinking fund created under section fifteen of the Local Loans Act, 1875.

63. No holder of any portion of consolidated debenture stock shall have any priority or preference by reason of the creation or

Priority stock not be affected by

A.D. 1879.

time of crea-
tion thereof.

Register of
stock to be
kept.

issue of such portion of stock before the creation or issue of any other portion of stock.

64. The Corporation shall cause entries of the consolidated debenture stock from time to time created, and of all transfers thereof, to be made in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to the consolidated debenture stock, with the respective amounts of the stock to which they are respectively entitled.

Certificate of
stock.

65. The Corporation shall deliver on demand to every holder of consolidated debenture stock a certificate stating the amount of such stock held by him, and such certificate shall have the common seal of the Corporation attached thereto, and the same may be according to the form in the Fourth Schedule to this Act, or to the like effect, and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence.

Certificate
to be primâ
facie evi-
dence.

66. The said certificate may be admitted in all courts as primâ facie evidence of the title of such stockholder, his executors, administrators, successors, or assigns, to the sum therein specified.

Certificate to
be renewed
when de-
stroyed.

67. If any such certificate be worn out or damaged, then the same may upon the production thereof be cancelled and another similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then upon proof thereof to the satisfaction of the Corporation a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said register, and for every such certificate given in pursuance of this section a fee not exceeding two shillings and sixpence may be demanded.

Transfer of
stock.

68. Consolidated debenture stock shall be transferable by deed, which may be in the form contained in the Fifth Schedule to this Act, but such deed shall exclusively relate to such transfer, and shall not contain any recital, trust, power, or proviso whatsoever, and such deed shall be effectual in law to pass to the transferee all the interest of the transferor in the stock expressed to be transferred, and the dividends thereon, and all deeds of transfer (when duly stamped) shall be delivered to and kept by the Corporation.

A person becoming entitled to any consolidated debenture stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by such deed as aforesaid, shall at his own expense produce such evidence of his title as may be reasonably required by the Corporation, and the same shall be entered in the said register as a transfer.

The Corporation shall not be bound to register any transfer except upon production of the certificate relating to the stock to be transferred.

A.D. 1879.

Upon any subdivision of stock by transfer the Corporation may, upon the delivery up to them of the original certificate, grant to the transferees new certificates for the sums of stock so transferred.

For the registration of every transfer of stock the Corporation may demand any sum not exceeding two shillings and sixpence.

69. The register so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any consolidated debenture stock who are mentioned therein as such owners.

Register to be evidence.

70. The Corporation shall pay the dividends on all consolidated debenture stock upon the first day of July and first day of January, excepting when such days shall fall on a Saturday, Sunday, or day observed as a public holiday at the Bank of England, and then upon the day next following such excepted day or days.

Payment of dividends.

71. When any consolidated debenture stock has been created and issued under this Act in order to raise any portion of a loan authorised by any existing Act or by this Act, the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act, and shall be applied accordingly.

Application of money raised.

72. If the certificate of any consolidated debenture stock shall be indorsed with a certificate under the hand of the town clerk in the form set forth in the Sixth Schedule to this Act, or to the like effect, it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation.

Further provisions as to stock certificate.

73. When any land, rents, or property is or are sold, demised, or otherwise disposed of by the Corporation, the same shall, in the hands of any person or body corporate to whom the same shall have been sold, and his or their heirs, executors, administrators, successors, and assigns, be absolutely free from all claims, charges, or obligations in respect of any consolidated debenture stock granted or issued under this Act, and such person or body corporate shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale, or be in any way responsible for the non-application thereof.

Land, &c. sold to be free from consolidated debenture stock.

74. Any person who holds any security or annuity granted by the Corporation before the passing of this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845,

Consent of trustees of incapacitated persons, &c. to conversion.

A.D. 1879. section seven, to sell land under that Act, may, in the manner and to the extent in the said section provided, consent to any arrangement authorised by this Act for the conversion of such security or annuity into consolidated debenture stock, and to the payment of such security before the time limited for the payment thereof.

Corporation
not to regard
trusts.

75. The Corporation shall not be bound to see to the execution of any trust, whether express or 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 book 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 trust or of any charge or incumbrance upon or transfer of such loan or security, or any part thereof, or interest therein not entered on 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 of such money.

Power to
trustees, &c.
to invest in
consolidated
debenture
stock.

76. Any trustees or other persons for the time being authorised or directed to invest any moneys on the mortgages or debentures of a municipal corporation or urban sanitary authority shall, unless the contrary is provided by the instrument authorising or directing such investment, have the same power of investing such moneys in consolidated debenture stock of the Corporation as they have of investing such moneys on the mortgages or debentures of such corporation or authority as aforesaid.

Power to
Corporation
to issue
coupons.

77. The Corporation from time to time, if and when they think fit, may issue with the mortgages from time to time of the Corporation under the Improvement Acts and this Act, and under the Gas Acts and Water Acts, and with the annuity certificates under the Improvement Acts, Gas Acts, and Water Acts, and this Act, or any of them respectively, coupons for interest from time to time to fall due upon the mortgages and annuity certificates, and the coupons may be in such form as the Corporation from time to time think fit, so as every coupon refer to every mortgage or annuity certificate to which it relates, and specifies the amount and time of payment of one half-year's interest or annuity to fall due on the moneys secured by the mortgage or the annuity certificate, and the amount of such interest or annuity, and be authenticated by the signature of the town clerk, and be impressed with the common seal of the Corporation.

Power to re-
borrow.

78. If the Corporation pay off any money borrowed by them under this Act otherwise than by means of a sinking fund or out of

the proceeds of the sale of land acquired under the powers of this Act, they may re-borrow the same, and so from time to time: Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made, and that the moneys originally borrowed, and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys, shall for the purpose of section fifteen of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Corporation with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

A.D. 1879.

79. The Corporation, whenever they are by any enactment required to make compensation to any person interested in any lands or buildings, may by agreement with such person make such compensation wholly or partly in works or land.

Compensation may be in land or works.

PART V.—MISCELLANEOUS.

80. The municipal offices and buildings now being erected and the firemen's dwellings shall form part of the corporate property of the Corporation under and be subject to the Municipal Corporation Acts, and shall accordingly be maintained out of the borough fund as if such maintenance were an expense necessarily incurred in carrying the Municipal Corporation Acts into effect.

Municipal offices, &c. to be part of corporate property.

81. The Corporation may from time to time make, and when made alter, add to, and repeal, byelaws for all or any of the following purposes; (that is to say,)

Power to make bye-laws as to public vehicles.

For regulating omnibuses, stage carriages, and other vehicles (herein-after in this Act referred to as "public vehicles") standing or plying for hire, or used for the conveyance of passengers at separate fares, in any part of the borough, and the conduct and duties of the proprietors, drivers, and conductors thereof;

For regulating the number of persons to be carried by public vehicles, and for preventing the overcrowding thereof and of nuisances therein;

For fixing the number and situation of the stands for public vehicles, and the number thereof to ply for hire at each stand;

For prescribing the number and fitness of the animals to be employed to draw public vehicles;

and by any such byelaws the Corporation may apply to public vehicles, and the drivers and conductors thereof, all or any of the provisions of the Towns Police Clauses Act, 1847, with respect to hackney carriages: Provided that no such byelaw shall apply to any private ground or within the curtilage or boundary of

10 & 11 Vict. c. 89.

A.D. 1879. any railway station or the approaches thereto not being public highways :

Provided always, that, notwithstanding anything in the provisions so applied, a license granted in pursuance thereof shall be in force for one year only from the date of the license, or until the next general licensing meeting of the Corporation committee, when a day for such meeting is appointed.

Further
regulating
owners,
drivers, and
conductors
of public
vehicles.

82. Whenever complaint shall be made to the Corporation or a committee of the Council of the borough that any owner or driver of a public vehicle or conductor thereof has been guilty of any misconduct in connexion with his calling, or has acted contrary to any Public General Act or to any byelaw in force in the borough for the regulation of public vehicles, and the owners, drivers, and conductors thereof, or any of them, the committee may summon such owner, driver, or conductor before them, appointing a reasonable time and place for the hearing of such complaint, and on such hearing it shall be lawful for the said committee to suspend the license (if any) of such owner, driver, or conductor for such period as the said committee may think proper, or to revoke the same. Every owner, driver, or conductor acting as such after any such suspension or revocation, or failing to attend the said committee after reasonable notice, shall be deemed guilty of an offence, and be liable to a penalty not exceeding twenty shillings, and a further penalty not exceeding twenty shillings for every day during which such offence shall continue.

Regulations
as to removal
of night-soil,
&c.

83. The Corporation may from time to time make, and when made alter, add to, and repeal, byelaws for all or any of the following purposes ; (that is to say,)

The removal from dwellings and other buildings and places of night-soil, excreta, and other like refuse :

The provision of proper privy, ashpit, tub-closet, cesspool, and other sanitary accommodation for dwellings and other buildings :

The user in or in connexion with any privy, ashpit, closet, cesspool, or other accommodation of sanitary appliances.

The Corporation may also from time to time by their order require any privy, ashpit, tub-closet, cesspool, or other like accommodation of any house within the borough to be altered according to such other system of privy, ashpit, tub-closet, or cesspool, or other sanitary accommodation and appliances as they may approve, and as is in accordance with the byelaws of the Corporation for the time being. The situation of such altered privy or other receptacle or appliance, and the mode or materials of its construction, shall be defined in the order ; and if at the expiration

of the time specified in such order the work be not completed, or be done contrary to any of the requirements of the order, the Corporation themselves may do the work, and may borrow money for this purpose as for permanent works under the Public Health Act, 1875. The Corporation may recover the cost of the alteration in like manner as the expenses referred to in section one hundred and twenty-nine of the Improvement Act, 1870, are authorised to be recovered.

A.D. 1879.

Provided that where the Corporation under this section require the alteration of any privy or other sanitary appliances which they have previously approved, or which has been constructed on any system approved by them (whether before or after the passing of this Act), all the expense of such alteration shall be paid by the Corporation.

The Corporation may also make and carry into effect agreements with the owners of any manufactories or works within the borough for or with reference to the purification and disposal of sewage matter and refuse produced on or arising from such manufactories or works.

84. All byelaws under this Act shall be made, confirmed, and enforced in the same manner and subject to the same regulations and restrictions as byelaws made by an urban sanitary authority under the provisions of the Public Health Act, 1875.

Mode of making and confirming byelaws.

85. The Corporation may from time to time contract for, take, and use any leave, license, or authority (not being exclusive) to work, use, exercise, or put in practice any invention under any letters patent heretofore made or hereafter to be made, granting any right or privilege of working, using, or vending any invention in relation to the utilisation, treatment, dealing with, and disposing of sewage, excreta, and other refuse, and may enter into and carry into effect agreements and arrangements in relation to any such disposal or dealing respectively.

Patent rights as to dealing with sewage, excreta, &c.

86. The following provisions for prevention of infection from disease, in addition to those contained in the Public Health Acts, shall take effect :

Further powers with respect to prevention of infection from disease.

- (A.) The Corporation may from time to time provide temporary shelter or house accommodation for the member of a family in which infectious disease has appeared :
- (B.) The Corporation may themselves provide or contract with any person or persons to provide female nurses for attendance upon persons suffering from infectious disease :
- (C.) The Corporation from time to time may order public or private day schools or other places of public resort situate

A.D. 1879.

in neighbourhoods threatened with or affected by infectious disease to be temporarily closed or suspended :

(D.) The Corporation may order any shop, dairy, or other place for the sale or storage of provisions, clothing, or other articles liable to retain infection to be temporarily closed whenever from the appearance of infectious disease in such shop, dairy, or other place, or in rooms in connexion therewith, such action appears to the Corporation to be necessary, and may take all such means as seem to them desirable for preventing the entrance of the public into such place, or of the issue from it of food, clothing, or other articles :

(E.) In case of the existence of any infectious disease in any house, the Corporation may issue an order declaring such house, or any rooms therein, or part thereof, an infected place, and forthwith, until such order has been determined by another certifying it free from infection, the following regulations shall in respect of such house or part of a house be observed :

(1.) No person occupying or living in any such house or part of a house shall continue at any indoor occupation which necessitates the handling of any clothing, food, or article likely to retain infection which is intended for sale or for the use of persons belonging to another family :

(2.) No person not authorised by the Corporation or their medical officer of health shall, except in cases of necessity or emergency, enter any such house or part of a house :

(3.) No bedding, clothing, or other articles liable to retain infection shall be removed from such house or part of a house without previous disinfection or without proper precautions (to the satisfaction of the Corporation) for the purposes of being disinfected :

Provided always, that when the room or rooms occupied by the persons suffering from such disease can be effectually separated, and are so separated, from the other parts of the same house or building, the rooms so occupied only shall be deemed to be affected by such order and regulations.

The Corporation shall make compensation to any person who has sustained loss by reason of the exercise of any of the foregoing powers, but such compensation shall be in regard only of direct material and pecuniary loss, and not in respect of any consequential loss or damage ; and any person who shall offend against this enactment (unless ignorant thereof, the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding five pounds.

87. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease, the following provisions shall have effect; (that is to say,)

A.D. 1879.
—
Notice to
be given of
persons
suffering
from certain
diseases.

- (1.) If any such inmate be suffering from infectious disease, and no medical practitioner is attending on or has been called in to visit such inmate, the occupier or person having the management or control of such building, or if such occupier or person is prevented by reason of such disease, then the person in charge of such inmate, shall, so soon as he shall become aware of the existence in any such inmate of any such disease, forthwith give notice to the medical officer at his office, or to the inspector of nuisances at his office, of the existence in such inmate of such disease;
- (2.) If such inmate be not a member of the family of such occupier or person, the head of the family (resident in such building) to which such inmate belongs, or if there be no such head, then such inmate (unless prevented by reason of such disease or of youth), shall, on becoming aware of the existence in such inmate or in his own person, as the case may be, of such disease, forthwith give notice thereof to such occupier or person;
- (3.) The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the borough forms for the certificate by such medical practitioner of the particulars herein-after mentioned in relation to such cases, according to the form set forth in the Seventh Schedule to this Act;
- (4.) Every medical practitioner attending on or called in to visit such inmate shall, on becoming aware that such inmate is suffering from any infectious disease, forthwith fill up, sign, and send to the medical officer at his office, or to the inspector of nuisances at his office, a certificate stating, according to the forms prescribed and supplied to him by the Corporation, the name of such inmate, the situation of such building, and the name of such occupier or person, and the nature of the disease from which such inmate is suffering;
- (5.) The Corporation shall pay to every medical practitioner who shall in pursuance of this section duly make and give any such certificate a fee of two shillings and sixpence for every such certificate; provided that more than one fee shall not become payable under this section within an interval of thirty days to the same medical practitioner

A.D. 1879.

for certificates given by him in respect of the same disease occurring in the same building;

And any person who shall offend against this enactment (unless ignorant thereof, the burden of the proof of which shall be on him) shall for every such offence be liable to a penalty not exceeding five pounds.

Effect of schedules, and directions as to forms.

88. The schedules to this Act shall be read and have effect as if they were part of this Act.

The forms contained in the fourth, fifth, sixth, and seventh of such schedules, or forms to the like effect, varied as circumstances require, may be used and shall be sufficient in law.

Penalties not to be cumulative.

89. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and the incorporated Acts shall be deemed separate Acts.

Expenses of Act.

90. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation out of moneys borrowed under the authority of this Act and charged on the borough fund and borough rate, or out of such fund or rate.

SCHEDULES to which the foregoing Act refers.

A.D. 1879.

FIRST SCHEDULE.

LOCAL ACTS RELATING TO THE BOROUGH OF BLACKBURN.

Year, Statute, and Chapter.	Title or abbreviated Title.	Short Title, as referred to in this Act.
1853.—16 Vict. cap. 44.	The Blackburn Gas Act, 1853 -	The Gas Act, 1853.
1854.—17 and 18 Vict. cap. 183.	The Blackburn Improvement Act, 1854.	The Improvement Act, 1854.
1860.—23 Vict. cap. 2.	The Blackburn Gas Act, 1860 -	The Gas Act, 1860.
1861.—24 and 25 Vict. cap. 155.	The Blackburn Waterworks Act, 1861.	The Water Act, 1861.
1870.—33 and 34 Vict. cap. 160.	The Blackburn Improvement Act, 1870.	The Improvement Act, 1870.
1875.—38 and 39 Vict. cap. 136.	The Blackburn Waterworks Act, 1875.	The Water Act, 1875.
1875.—38 and 39 Vict. cap. 169.	The Gas and Water Orders Confirmation Act, 1875.	The Gas Order, 1875.
1877.—40 and 41 Vict. cap. 115.	The Blackburn Borough Gas, Water, and Extension Act, 1877.	The Improvement Act, 1877.

The Improvement Act, 1854, the Improvement Act, 1870, and the Improvement Act, 1877, are together in this Act referred to as "the Improvement Acts."

The Gas Act, 1853, the Gas Act, 1860, and the Gas Order, 1875, are together in this Act referred to as "the Gas Acts."

The Water Act, 1861, and the Water Act, 1875, are together in this Act referred to as "the Water Acts."

SECOND SCHEDULE.

DESCRIPTION OF THE DISTRICTS AND PLACES ADDED TO THE EXISTING BOROUGH AND EXISTING SANITARY DISTRICT.

The township of Lower Darwen, except so much thereof as lies to the south of the following boundary line drawn on the Ordnance map, namely, a boundary line starting from a mere stone to be fixed on the northerly side of the road at Peak Brow, where the boundary line of the said township of Lower Darwen intersects the said road, and thence proceeding in an easterly direction along

A.D. 1879. — the northerly side of the said road to the point where the said road turns in a southerly direction, almost at right angles, immediately above Higher Bog Heights, thence proceeding in a straight line drawn in a due easterly direction to the point where such straight line intersects the road called Sandy Lane on its easterly side, at which place a mere stone is to be fixed, and thence proceeding in another straight line drawn in a south-easterly direction to the point where the boundary line of the same township intersects the Davy Field Brook nearest to the confluence of the same brook with the River Darwen.

And so much of the township of Little Harwood as is not included within the existing borough.

THIRD SCHEDULE.

THE BOUNDARIES OF THE WARDS.

(1.) SAINT JOHN'S WARD.

The boundaries of this ward shall continue to be the existing boundaries of the ward now known by that name.

(2.) SAINT MARY'S WARD.

The boundaries of this ward shall continue to be the existing boundaries of the ward now known by that name.

(3.) SAINT PETER'S WARD.

The boundaries of this ward shall continue to be the existing boundaries of the ward now known by that name.

(4.) PARK WARD.

The boundaries of this ward shall include the existing area of the ward now known by that name, with the addition thereto of so much of the added area in the township of Lower Darwen as is situate to the east of the centre of the Old Roman Road, leading from Brandy House Brow through Blackamoor to the southern boundary of that township, at or near Davy Field Bridge, and the area so now added to this ward shall be included therein and form part thereof for all purposes.

(5.) SAINT PAUL'S WARD.

The boundaries of this ward shall continue to be the existing boundaries of the ward now known by that name.

(6.) TRINITY WARD.

The boundaries of this ward shall include the existing area of the ward known by that name, with the addition of so much of the added area as is situate in the township of Little Harwood, and the area so now added to this ward shall be included therein and form part thereof for all purposes.

(7.) SAINT MARK'S WARD.

A.D. 1879.

The boundaries of this ward shall include the existing area of the ward known by that name, with the addition of so much of the added area in the township of Lower Darwen as is not comprised within Park Ward, and the area so now added to this ward shall be included therein and form part thereof for all purposes.

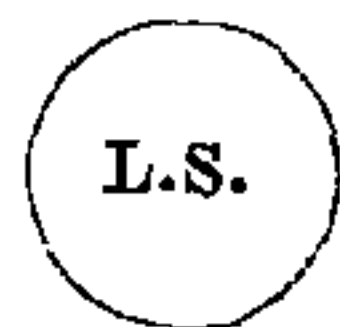
FOURTH SCHEDULE.

FORM OF CERTIFICATE.
Borough of Blackburn.

No.

This is to certify that _____ of _____ is the proprietor of _____ pounds _____ shillings and _____ pence of the Blackburn Corporation Consolidated Debenture Stock issued by the mayor, aldermen, and burgesses of the borough of Blackburn, in the county of Lancaster, pursuant to Act of Parliament.

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



FIFTH SCHEDULE.

FORM OF TRANSFER.

I (*A.B.*) _____ of _____ of the sum of _____ pounds paid to me by (*C.D.*) _____ of _____, do hereby transfer to the said (*C.D.*) _____, his executors, administrators, and assigns, the sum of _____ Blackburn Corporation Consolidated Stock standing in my name in the books kept of such stock, and all my property, right, and interest in and to the same, and the dividends thereon.

In witness whereof I have hereunto set my hand and seal this day of _____ one thousand eight hundred and _____

SIXTH SCHEDULE.

FORM OF TOWN CLERK'S CERTIFICATE AS TO BORROWING POWERS.

I _____, town clerk of the borough of Blackburn, do hereby certify that the sum secured by the within-written stock certificate is

[Ch. cxvi.] *Blackburn Improvement Act, 1879.* [42 & 43 VICT.]

A.D. 1879. within the borrowing powers of the Corporation of Blackburn as fixed by Act of Parliament.

Witness my hand this day of 18 .

Witness

Town Clerk,
Town Hall, Blackburn.

THE SEVENTH SCHEDULE.

CERTIFICATE OF DISEASE, &c.

Blackburn Improvement Act, 1879.

To the Corporation of the borough of Blackburn.

Pursuant to the above-mentioned Act, I hereby certify and declare that in my opinion the under-mentioned person is suffering from a disease within the terms of the said Act.

Dated the day of 18 .

(Signed)

Name of person suffering from the disease

Situation of the building wherein such }
person is - - - - }

Name of occupier or other person having }
the charge, management, or control of }
the building or room - - - }

Nature of the disease - - -

NOTE.—This certificate must (under penalty of five pounds in case of neglect) be forthwith sent to the medical officer at his office, or to the inspector of nuisances at his office, and delivered to the official, clerk, or servant who shall be found in attendance there.