



CHAPTER ccxlv.

An Act to empower the urban district council of Fleetwood in the county of Lancaster to construct new outfall and other sewers and for other purposes. A.D. 1902.

[8th August 1902.]

WHEREAS the urban district council of Fleetwood are the urban sanitary authority for the urban sanitary district of Fleetwood in the county of Lancaster and have divers powers under the following Acts and Provisional Orders which except so far as the same have been amended or repealed are in force within the district (that is to say):—

A Local Act of Parliament passed in the second session of the fifth year of the reign of Her late Majesty Queen Victoria intituled “An Act for paving lighting watching cleansing and otherwise improving the Town of Fleetwood and the neighbourhood thereof in the County Palatine of Lancaster and for establishing a market therein”;

A Provisional Order of one of Her late Majesty’s Principal Secretaries of State made under the authority of the Local Government Act 1858 dated the thirty-first day of March one thousand eight hundred and sixty-nine and confirmed by the Local Government Supplemental Act 1869;

A Provisional Order made by the Local Government Board under the Public Health Act 1875 dated the twenty-second day of May one thousand eight hundred and eighty-two and confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 9) Act 1882;

The Fleetwood Improvement Act 1893:

And whereas it would be of local and public advantage to empower the Council to construct within the district new outfall and other sewers together with all necessary and proper pumping stations tanks subsidiary sewers outfalls works and conveniences

A.D. 1902. (in this Act referred to generally as "sewers") for the purpose of discharging sewage into the sea at or near Rossall Land Mark :

And whereas it is expedient that further borrowing powers be conferred on the Council and that the other provisions contained in this Act should be made :

And whereas estimates have been prepared by the Council for the purchase of land and easements for and for the execution of the works by this Act authorised and such estimates amount to the sum of sixty thousand pounds :

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

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

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act, and plans also showing the lands which the Council may acquire under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the clerk of the peace for the county of Lancaster which plans sections and book of reference are in this Act respectively referred to as "the deposited plans sections and book of reference" :

And whereas an absolute majority of the whole number of the Council at a meeting held on the first day of July one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Gazette and News a local newspaper published or circulating in the district (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 general improvement rate of the district or paid out of moneys borrowed under this Act :

And whereas such resolution was published twice in the Fleetwood Chronicle a newspaper circulating in the district 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 fifteenth day of July one thousand nine

hundred and two being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1902.

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

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):—

1. This Act may be cited as the Fleetwood Urban District Council Act 1902. Short title.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and not inconsistent with this Act) are incorporated with this Act (that is to say):— Incorporation of general Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

The provisions of the Railways Clauses Consolidation Act 1845 with respect to roads and to the temporary occupation of lands near the railway during the construction thereof shall apply so far as the construction of the sewers and works by this Act authorised.

3. In this Act unless the subject or the context otherwise requires words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the recited Acts and Orders or by the Public Health Acts have the same respective meanings: Interpretation.

“The district” means the urban district of Fleetwood;

“The Council” means the urban district council of the district;

“The clerk” means the clerk to the Council;

“The Act of 1842” means the recited Act of the fifth year of the reign of Her late Majesty Queen Victoria;

“The general improvement rate” means the rates or assessments leviable by the Council under the Act of 1842;

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

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 by this Act applied—

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- “The undertakers” or “the company” means the Council ;
“The railway” means the sewers and works by this Act authorised to be made ;
“The centre line of railway” means the centre line of the sewers and works by this Act authorised to be made.

Limits of
and execu-
tion of Act.

4. Save as in this Act otherwise provided the limits for the exercise of the several powers by this Act conferred shall be the district and the said Act shall be carried into execution by the Council.

Power to
construct
sewers.

5. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands delineated upon the deposited plans and described in the deposited book of reference and may construct and maintain in the lines and according to the levels shown on the deposited plans and sections the following sewers together with all necessary tanks storage and subsidiary sewers outfalls works and conveniences (that is to say):—

- (1) An outfall sewer (No. 1) commencing in Dock Street by a junction with the existing sewer of the Council at the intersection of that street with Albert Street thence passing under and along Dock Street Lower Dock Street Cop Lane Styan Street West Street Radcliffe Road Belmont Road Park Avenue thence through and under lands belonging or reputed to belong to and occupied by the Fleetwood Estate Limited and terminating on the foreshore at a point four hundred and three yards from the western boundary of the field numbered 21 on the $\frac{1}{2500}$ -inch Ordnance map (first edition 1891) of the parish and township of Fleetwood :
- (2) An outfall sewer (No. 2) commencing at or in the pumping station hereinafter described and terminating on the shore or bed of the sea at a point six hundred and fifty-seven yards or thereabouts measured in a north-westerly direction from Rossall Land Mark :
- (3) An outfall sewer (No. 3) commencing by a junction with Outfall Sewer No. 1 hereinbefore described in the said field No. 21 on the $\frac{1}{2500}$ -inch Ordnance map of the said parish and terminating in the pumping station hereinafter described :
- (4) A pumping station with an approach thereto to be situate in the said field numbered 21 on the $\frac{1}{2500}$ -inch Ordnance map of the said parish and on land hereinafter described and thereafter maintain and use and manage all necessary and proper erections appliances tanks wells basins pumping and other

engines mains buildings machinery apparatus works and conveniences for receiving pumping and conveying the sewage of the district. A.D. 1902.

The above described works are wholly situate in the said parish and township of Fleetwood.

6. If the sewers are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Council from maintaining extending enlarging altering or renewing any of their sewers works and conveniences from time to time as occasion requires. Period for completion of sewers.

7. In the construction of the sewers the Council may subject to the provisions of this Act deviate laterally from the lines shown on the deposited plans to any extent within the limits of deviation defined on those plans and where in any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Council may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards: Power to deviate.

Provided that the sewers shall not be constructed above the surface except so far as shown on the deposited sections and provided further that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

8. For the purposes and during the execution of the sewers by this Act authorised and in maintaining the same and subject to the provisions of this Act the Council may use break up or cross over or under alter or stop up temporarily any lands streets highways roads lanes paths quays bridges railways tramways canals passages sewers drains watercourses mill leads or mill dams sluices gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference and which they may find it expedient for any of those purposes so to interfere with providing in all cases a proper temporary substitute before interrupting the traffic on or over any such lands street highway railway or tramway or the flow of water gas sewage or electricity in any such sewer drain watercourse canal or pipe or apparatus reinstating the same as soon as possible and making full compensation to all persons injuriously affected by the exercise of the powers of this section. Power to alter roads &c. temporarily. Provided that any interference

A.D. 1902. with electric lines or apparatus shall be subject to the provisions of section 15 of the Electric Lighting Act 1882 Provided further that nothing in this section shall extend to authorise any interference with electric apparatus or other property of His Majesty's Postmaster-General.

Power to
take lands
for pumping
station.

9. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands hereinafter described and delineated on the deposited plans and described in the deposited book of reference and may use the same for the purposes of the pumping station by this Act authorised (viz.) :—

Certain lands in the said parish and township of Fleetwood situate in the said field numbered 21 on the $\frac{1}{2500}$ -inch Ordnance map (first edition 1891) and containing by admeasurement twelve hundred superficial yards or thereabouts and belonging or reputed to belong to the Fleetwood Estate Limited.

Power to
make general
works.

10. Subject to the provisions of this Act the Council shall within the limits of deviation shown on the deposited plans and sections make and maintain all such approaches retaining walls subsidiary and surface water sewers drains joists culverts penstocks excavations manholes ventilators flushing stations lampholes shafts tanks goits overflows and other works and conveniences connected with the sewerage and sewage outfall works by this Act authorised as they shall deem necessary.

Correction
of errors &c.
in deposited
plans and
book of
reference.

11. 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 Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Lancaster (not being members of the Council) 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 county of Lancaster and a duplicate shall also be deposited with the clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk 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 Council

to take the lands and execute the works in accordance with such certificate. A.D. 1902.

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

12. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

13. 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 Council any easement right privilege or authority (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. Power to grant easements &c.

14. The sewers and works constructed and the lands acquired under the powers of this Act shall be vested in the Council. Sewers &c. to be vested in Council.

15. In executing the works by this Act authorised the Council may cross over under or upon alter divert or interfere with any watercourse water pipe or gas pipe belonging to or connected with any building adjoining or near to the site of any such works and also any main or other pipe laid down or used for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down for telegraphic or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making good all damage and disturbance caused by diversion or otherwise as soon as possible and also making full compensation for all such damage and disturbance caused by such diversion or otherwise: Alterations of gas and water pipes &c.

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of 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:

Provided further that the Council shall not alter divert or interfere with any pipe tube wire or apparatus laid down for telegraphic or

A.D. 1902. other purposes and belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

For protec-
tion of His
Majesty's
Principal
Secretary of
State for
War.

16. For the protection of His Majesty's Principal Secretary of State for War (hereinafter referred to as "the said principal secretary") the following provisions shall have effect (that is to say):—

- (1) The said principal secretary will in consideration of the payment by the Council of the sum of one hundred pounds grant to the Council an easement for the purpose of constructing and maintaining the Outfall Sewer No. 2 by this Act authorised across the foreshore belonging to the said principal secretary at Fleetwood and to discharge sewage on such foreshore at or beyond low-water mark. If a nuisance arises as set out in subsection 4 of this section no part of the amount paid shall be refunded by the said principal secretary:
- (2) The Council shall at their own expense construct if and when required by the said principal secretary a sewer in Cemetery Lane to connect the existing sewer from the Hutment Barracks in the said lane with the main sewer of the Council to be constructed under the powers of this Act the method of such connection to be mutually agreed by the said principal secretary and the Council:
- (3) On the completion and connection of the sewers as aforesaid the existing outfall sewer belonging to the said principal secretary shall cease to be used for the discharge of sewage on to the foreshore:
- (4) If at any time after the construction of the sewers by this Act authorised a difference arises as to whether or not a nuisance (whether on the property of the said principal secretary or not) exists caused by or consequent on the works by this Act authorised such difference shall be settled by an arbitrator to be appointed by the said principal secretary and the Local Government Board:
- (5) If the arbitrator shall decide that there is a nuisance which is detrimental to the health or comfort of the troops or other persons occupying or who might occupy the land belonging to the said principal secretary the Council shall forthwith take such steps as may be necessary to provide for the disposal of the sewage by the septic or other latest and most approved

method and such works shall be carried out to the satisfaction of the said principal secretary or his advisers within twelve months after receipt of the sanction of the Local Government Board for the requisite borrowing powers the application for such sanction to be made without unnecessary delay after receipt of the award of the arbitrator:

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- (6) The Council shall take all necessary steps to protect the outfall sewer in any way which may become necessary to the satisfaction of the said principal secretary:
- (7) Subject to the grant of the before-mentioned easement the said principal secretary shall have all the rights over the surface of the foreshore which he now possesses.

17. The agreement set forth in the schedule to this Act bearing date the fourteenth day of July one thousand nine hundred and two and made between the Council of the one part and the Fleetwood Estate Limited of the other part is hereby confirmed and made binding on the parties thereto respectively and their successors as if such agreement were incorporated with and formed part of this Act.

Confirmation of scheduled agreement.

18. Notwithstanding anything in this Act contained the following provisions for the protection and benefit of the Fylde Water Board (in this section called "the board") shall unless otherwise agreed in writing between the board and the Council apply and have effect:—

For protection of Fylde Water Board.

- (1) Where for any purpose of this Act the Council deem it necessary to raise sink or otherwise alter the situation of any pipes mains plugs or other water apparatus of the board they shall by notice in writing require the board to raise sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice the expenses of or connected with any such alteration shall be paid by the Council and if such notice be not complied with the Council may themselves make the alteration required provided that no such alteration shall be required or made which will permanently injure any such pipes mains plugs or works or prevent the water from flowing as freely and conveniently as usual:
- (2) All works to be done or executed by the Council under this Act affecting any pipe main plug or other water apparatus of the board or within twenty yards thereof or required for upholding or maintaining any such pipe main plug or water

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apparatus shall be executed and carried out under the superintendence and to the reasonable satisfaction of the engineer of the board and in default the board may do and execute such works and the cost thereof shall be paid by the Council to the board on demand:

(3) Before the Council open or break up any road street bridge or land along or in which any pipe main plug or other water apparatus of the board shall be laid the Council shall give to the clerk of the board notice in writing of the intention of the Council to open or break up the same not less than seven clear days before beginning such work except in cases of emergency arising from defect in any of the sewers or other works and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen:

(4) The Council shall at their own expense during the construction of the works by this Act authorised and during a period of six months after such construction do all such acts as shall be necessary for protecting and upholding the pipes mains plugs and other water apparatus of the board affected by the said works:

(5) If by reason of any act or omission on the part of the Council the supply of water shall be interrupted the Council shall forfeit and pay to the board the sum of ten pounds for every hour during which such supply shall be interrupted:

(6) If any difference shall arise between the board and the Council with respect to anything omitted or anything done or to be done by the board or the Council under this Act or as to whether the same is reasonable or necessary such difference shall be referred to the Local Government Board or some person appointed by that Board and this submission shall operate as a submission to arbitration within the meaning of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force.

Restriction
on taking
houses of
labouring
class.

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

If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

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

20. The Council may from time to time independently of any other borrowing power borrow for the purposes of and in manner provided by this Act with the approval of the Local Government Board such moneys as may be necessary for carrying into effect the purposes of this Act and the Council may also borrow for the payment of the costs charges and expenses provided for by the last section of this Act the amount of such costs charges and expenses and the Council may mortgage the general improvement rate to secure the repayment of the moneys borrowed with interest.

Power to borrow for purposes of Act with approval of Local Government Board.

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

Power to Local Government Board to direct inquiries.

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

22. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which

Certain regulations of Public Health Act

A.D. 1902.

us to bor-
rowing not
to apply.

the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Provisions as
to mortgages.

23. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages); and

Section 239 (Receiver may be appointed in certain cases).

Period for
payment off
of money
borrowed.

24. The Council 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 purposes of this Act within such period as shall be sanctioned by the Local Government Board not exceeding fifty-five years from the date or dates of borrowing the same:

As to moneys borrowed for the payment of the costs charges and expenses provided for by the last section of this Act within five years from the date of the borrowing of the same.

Power to
borrow
under Local
Loans Act
1875.

25. The Council may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

All moneys borrowed in accordance with this section shall be a charge upon and shall be paid out of the same rate and security as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rate and security shall be deemed to be the local rate as defined by the Local Loans Act 1875.

All moneys borrowed in accordance with this section shall be discharged within the prescribed periods.

Payment off
of money
borrowed.

26. The Council shall pay off all money borrowed by them under the powers of this Act and not under the powers of the Local Loans Act 1875 by equal annual or half-yearly instalments of principal or of principal and interest combined or by a sinking fund and all moneys borrowed under the powers of the Local Loans Act 1875 shall be repaid by any one or more of the methods mentioned in the Local Loans Act 1875 and the sections of this Act of which the marginal notes are "Provisions as to sinking

fund" "Application of sinking fund" and "Return respecting sinking fund to Local Government Board" shall apply in lieu of sections 15 and 16 of that Act The Council shall not invest any sinking fund in their own securities or in any securities payable to bearer. A.D. 1902.

27.—(1) Where the Council effect the repayment of any sum borrowed under this Act by means of a sinking fund they shall in every year pay out of the funds rates tolls or revenue on the security of which money is borrowed under this Act such equal annual sum as will with the accumulation thereof by way of compound interest calculated at a rate not exceeding three per centum per annum be sufficient to pay off the whole of the sum borrowed within the period fixed for such repayment. Provisions as to sinking fund.

(2) All sums paid into the sinking fund shall be as soon as may be invested by the Council in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures stock or other securities not being annuities or securities payable to bearer authorised by Act of Parliament of any local authority as defined by the Local Loans Act 1875 other than the Council and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received or become payable be paid into the sinking fund and be invested by the Council in like manner.

(3) And if and as often as the income derived from such investments is not equal to the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any deficiency shall be made good out of the respective funds rates tolls or revenue which are liable for the equal annual payments and if and as often as the income derived from such investments is in excess of the income which would be derived therefrom at the rate per centum on which the equal annual payments to the fund are based any such excess may be applied as part of such equal annual payments.

28.—(1) The Council may at any time apply the whole or any part of the sinking fund in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created. Application of sinking fund.

(2) Whenever any of such principal moneys have been so paid off the Council shall thenceforward until the whole of the principal moneys owing by the Council under this Act have been paid off

A.D. 1902. pay into the sinking fund every year in addition to the other sums hereinbefore required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the equal annual payments to the fund are based.

(3) When the amount standing to the credit of the sinking fund shall be equal to the principal moneys then due and outstanding the Council may in lieu of investing the yearly income arising from the sinking fund apply the same in payment of the interest of the principal moneys then due and outstanding and may during such periods discontinue the payment to the sinking fund of the yearly sums hereinbefore required to be paid thereto.

Power to re-borrow.

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

Protection of lender from inquiry.

30. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them 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.

Council not to regard trusts.

31. The Council shall not be bound to recognise or see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them under this Act may be subject but the receipt of the person or any one of the persons or (as the case may be) of the personal representative or representatives of the person or the last survivor of the persons in whose name or names any loan or security for loan stands in the books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council 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 interest thereon not entered on their books

and the Council 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. 1902.

32. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Council under this Act. Audit of accounts.

33.—(1) The clerk to the Council 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 clerk showing for the year next preceding the making of such return or for such other 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 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. Return respecting sinking fund to Local Government Board.

(2) If it appears to the Local Government Board by that return or otherwise that the Council 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

A.D. 1902. — 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.

Application
of money
borrowed.

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

Saving
priority of
existing
charges.

35. All charges on the property revenues and rates of the Council existing immediately before the passing of this Act shall during their continuance have priority over any mortgages granted by the Council under the powers of this Act.

Expenses of
execution of
Act.

36. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of them as are properly chargeable to capital and payable out of borrowed moneys shall be paid out of the general improvement rate.

Works below
high-water
mark not to
be com-
menced with-
out consent
of Board of
Trade.

37. The Council shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights
of Crown.

38. Nothing herein contained shall authorise the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or

any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty. A.D. 1902.

39. Nothing contained in this Act shall extend or operate to authorise the Council to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy. Saving rights of Duchy of Lancaster.

40. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board. Application of moneys from sale of lands.

41. The costs charges and expenses preliminary and of and incidental to preparing 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 Council out of the funds and rates under the control of the Council or out of moneys borrowed on the security thereof under the powers of this Act. Costs of Act.

A.D. 1902.

The SCHEDULE referred to in the foregoing Act.

THIS AGREEMENT made the fourteenth day of July one thousand nine hundred and two between the **FLEETWOOD URBAN DISTRICT COUNCIL** (hereinafter called "the Council") of the one part, and the **FLEETWOOD ESTATE LIMITED** (hereinafter called, "the company") of the other part:

WHEREAS the Council have deposited a Bill in Parliament to empower them to construct within the district of Fleetwood new outfall and other sewers together with all necessary and proper pumping station tanks subsidiary sewers outfall works and conveniences (hereinafter called "the said works") for the purpose of discharging sewage into the open sea at or near Rossall Landmark Now it is hereby mutually agreed as follows:—

- (1) The Council shall lay and construct the said main sewer and all outfalls in connection therewith along the line shown on the plan hereto annexed marked A and according to the plans and sections also hereto annexed all of which have been agreed to between the parties hereto:
- (2) The specifications detail working drawings and the forms of the contracts for the construction of the whole of the said works (which shall be let in not less than three sections) shall be submitted to and approved of by the company before the Council advertise for tenders or let the contracts for construction and copies of such specifications detail working drawings and forms of contracts shall be furnished by the Council at their own expense to the company:
- (3) The manholes for the main sewer shall be constructed in accordance with the plan hereto annexed marked "B" which shall show the proposed means of inlet of cross sewers from existing or future streets or roads:
- (4) The company shall have the right to enter the new main sewer at any point with any branch drains or sewers to be made by them or by their directions subject to the connections being made substantially in accordance with the said plan hereto annexed marked "B" Such connections shall be made at the expense of the company and to the reasonable approval of the surveyor of the Council for the time being:
- (5) Plans drawings and sections showing the positions and the nature of the ventilators flushing stations lampholes and shafts to be constructed in connection with the said works shall be submitted to and approved of by the company before the same are constructed:
- (6) The Council shall not during the construction or by reason for or on account of the said works do any damage to or in any manner alter or

lower the foreshore of the company or disturb or destroy any of the
groins on such foreshore or take any shingle or other material therefrom :

(7) The surplus materials from the said works shall at the expense of the
Council be deposited upon the company's estate at such places not
exceeding one mile from that part of the said works from which such
surplus materials shall have been excavated as may from time to time be
indicated by the agent for the time being of the company :

(8) The company shall be entitled at any time or times hereafter to form
and complete streets over along or across the said main sewer subject
to the byelaws of the Council with respect to new streets and
buildings :

(9) The Council shall not divert into the said main sewer any watercourses
or springs of water which may be found during the excavations for such
sewer without the previous written consent of the agent for the time
being of the company but the Council and the company may if necessary
during the progress of the works arrange as to the flushing of sewers at
such points as may be agreed upon with surplus water from the estate of
the company :

(10) If at any point the said main sewer shall pass through or under any
pond or pit containing water and it shall be necessary for the construction
of the said works to pump out or draw off such water or if such water
shall percolate into the said works or in any manner be decreased or lost
on account of the said works the Council shall at their own expense if
the company so desire construct a water trough or troughs and fittings
and connect the same to the mains of the Fylde Water Board such water
trough or troughs to be placed in such a position or positions as shall be
approved by the company and thereupon the liability of the Council
under this clause shall cease :

(11) So long as the Council do not attempt to close or in any way interfere
with the twelve-inch drain now existing from the outfall of the Warren-
hurst Lake to the Copse Brook along Bammers Field and Back Belmont
Road and which is now being used temporarily as a sewer the company
shall not at any time hereafter pass into the said main sewer the water
from Warrenhurst Lake until not less than two hours' notice in writing
of such intention shall have been given by the company or their agent to
the Council such notice to be delivered at the Town Hall Fleetwood
Notwithstanding anything in this clause hereinbefore contained no water
from the said lake shall at any time enter the said main sewer except
during the period between two hours before low water and two hours
after low water :

(12) The pumping station in connection with the said works shall be
erected upon the estate of the Company on a site to be agreed upon by
the Council and the company and the plans elevations and sections for
the buildings to be erected on such site including the details of all
machinery and the chimney required therefor shall be submitted to and
approved by the company and copies of such plans elevations and sections

A.D. 1902,
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shall be supplied to the company at the cost of the Council before the Council commences any work in connection therewith. The site for such pumping station and the land and premises required by the Council shall not exceed one thousand two hundred superficial yards and shall be conveyed in fee simple by the company to the Council the consideration for the same and for all way-leaves or easements which may be required in connection with the said works shall be the sum of one hundred pounds which shall be paid to the company within twelve calendar months from the date hereof and thereafter shall carry interest at the rate of five pounds per centum per annum until payment and the Council shall not be entitled to possession of the said land until payment of such sum. Save as provided by this clause the Council shall not be entitled to require the company to sell or demise any part of their estate under any statutory powers for compulsory purchase or demise which they might but for this agreement be entitled to exercise. The Council shall accept without inquiry the title of the company who shall not be required to furnish any abstract of title :

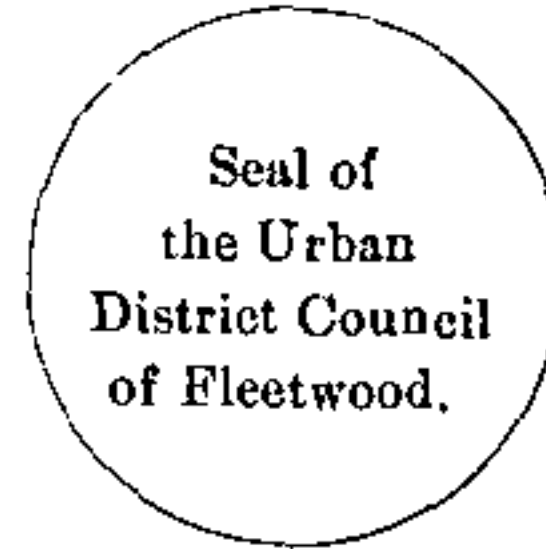
- (13) The Council will on demand pay to or indemnify the company against the payment of all sums of money for which the company may become liable to any of their assigns lessees tenants or other persons for damage to crops or for disturbance of lands or for costs charges expenses claims and demands of whatever description arising out of or incurred in consequence of the said works or in any way connected therewith :
- (14) The Council will on the completion of this agreement pay to the company the sum of fifty-two pounds ten shillings for costs charges and expenses incurred or to be incurred by the company in connection with this agreement and to be incurred in connection with the conveyance of the site of the said pumping station :
- (15) All expenses legal or otherwise incurred by the company at the request of the Council in the production of evidence before Parliamentary committees and all other expenses of every description in connection with the said works incurred by the company or their directors or agents at the request of the Council shall be repaid to the company by the Council on demand :
- (16) If any difference shall arise between the Council and company with respect to anything omitted or anything done or to be done by the Council or the company under this agreement or as to any liability for damage hereunder such difference shall be referred to the Local Government Board or some person appointed by that Board and this submission shall operate as a submission to arbitration within the meaning of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force :
- (17) This agreement and everything herein contained is conditional upon the Council obtaining an Act of Parliament or Provisional Order before the thirty-first of August one thousand nine hundred and three for the construction of the said works and shall not come into operation until

such Act of Parliament or Provisional Order is obtained and if such Act of Parliament or Provisional Order be not obtained before the above date either party may by notice in writing to the other terminate this agreement and such termination shall not give rise to any claim by either party hereunder.

As witness the respective common seals of the Council and the company the day and year first before written.

The common seal of the urban district council of Fleetwood was hereunto affixed pursuant to resolution adopted by

ERNEST CROSBY
Chairman



in the presence of

JOSEPH TILDSLEY
Clerk and Accountant.

The common seal of the Fleetwood Estate Limited was hereunto affixed in the presence of

D. ABERCROMBIE
TOM G. LUMB } Directors.
J. P. WILSON
Secretary.



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