



CHAPTER xciii.

An Act to enable the mayor aldermen and burgesses of the county borough of Southport to carry out street improvements and other works to provide and run trolley vehicles and to make further provision for the health local government and improvement of the borough and for other purposes. A.D. 1913.
[15th August 1913.]

WHEREAS the county borough of Southport in the county of Lancaster (herein-after in this Act referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the Corporation acting by the council are the urban sanitary authority for the borough:

And whereas extensive powers with regard to the construction of tramways and with regard to the health local government and improvement of the borough have from time to time been conferred upon the Corporation:

And whereas it is expedient that the Corporation should be empowered to make and maintain the new street street widenings and other works by this Act authorised:

And whereas it is expedient that power should be conferred upon the Corporation with respect to the taking and appropriation of lands as in this Act set forth:

And whereas the Corporation own and work tramways within the borough and it is expedient to authorise them to provide and work vehicles moved by electrical power transmitted thereto ~~from some external source and to confer upon the Corporation~~ all necessary powers with regard thereto:

And whereas it is expedient to confer upon the Corporation power to dredge deepen and excavate the foreshore and bed of

A.D. 1913. the sea lying within the borough or ex adverso thereof for the purpose of improving preserving maintaining and ensuring access to and from the sea :

And whereas it is expedient to enable the Corporation to purchase by agreement lands marsh foreshore and seashore lying within the borough or ex adverso thereof :

And whereas it is expedient to confer on the Corporation further powers with regard to the regulation improvement and development of the foreshore :

And whereas the borough is a health resort and it is expedient to authorise the Corporation to advertise the attractions of the borough :

And whereas it is expedient to enlarge the powers of the Corporation under the Baths and Washhouses Acts by enabling them to provide special baths and to exempt them from the provisions of the Baths and Washhouses Acts and for certain purposes :

And whereas it is expedient that better provision should be made with reference to streets buildings sewers drains and sanitary matters within the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough should be enlarged as by this Act provided :

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

For the new street street widenings and improvements by this Act authorised and the purchase of lands therefor fifty thousand pounds ;

For the provision of and the electrical equipment for the trolley vehicles by this Act authorised five thousand seven hundred and fifty pounds ;

For laying out and improving golf courses three thousand pounds :

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

And whereas it is expedient that the Corporation should be empowered to borrow money as in this Act mentioned :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the objects aforesaid cannot be attained without the authority of Parliament: A.D. 1913.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands by this Act authorised to be acquired compulsorily and a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act were duly 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 in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Southport Corporation Act Short title.
1913.

2. This Act is divided into Parts as follows (that is to Act divided
into Parts.
say):—

Part I.—Preliminary.

Part II.—New Street Street Improvements and Works.

Part III.—Lands.

Part IV.—Trolley Vehicles.

Part V.—Provisions common to Trolley Vehicles and
Tramways.

Part VI.—Improvement of Channels and Seashore &c.

Part VII.—Streets Buildings &c.

Part VIII.—Sanitary.

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Part IX.—Infectious Disease.

Part X.—Police.

Part XI.—Public Buildings Parks &c.

Part XII.—Finance.

Part XIII.—Miscellaneous.

Incorporation of general Acts.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) are so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act hereby incorporated with this Act.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the county borough of Southport;

“The borough” means the county borough of Southport;

“The town clerk” “the treasurer” “the medical officer of health” the “surveyor” and “the inspector of nuisances” mean respectively the town clerk the treasurer the medical officer of health the surveyor and any inspector of nuisances for the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

“Improvement fund” and “improvement rate” mean respectively the improvement fund or account and the improvement rate of the borough;

“The seashore” means and includes the foreshore and all the beach sands and bed of the sea below high-water mark of ordinary tides within the borough or ex adverso thereof;

“The recited Acts” means the unrepealed provisions of the local Acts specified in the First Schedule to this Act and the Provisional Orders relating to the borough confirmed by the Acts also specified in the same schedule and each of those Acts and Orders where separately referred to in this Act is referred to as the Act or Order of the year in which it was passed or confirmed except that the Southport Extension and Tramways Act 1900 is referred to as “the Extension

Act of 1900" and the Southport Corporation Tramways Order 1899 is referred to as "the Tramways Order of 1899";

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—

"Daily penalty" means a penalty for every day on which any offence is continued after conviction;

"Trolley vehicles" means vehicles moved on roads without rails by electric power transmitted thereto from some external source;

"Statutory borrowing power" shall have the same meaning as that assigned to it by the Act of 1900;

"Statutory security" shall have the same meaning as that assigned to it by the Act of 1900;

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

"The Public Health Acts" means the Public Health Act 1875 and any Act amending the same;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Act amending the same.

Words and expressions to which meanings are assigned in enactments incorporated with this Act have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction.

PART II.

NEW STREET STREET IMPROVEMENTS AND WORKS.

5. The Corporation may make and maintain in the lines and situations and upon the lands shown upon the deposited plans and described in the deposited book of reference relating thereto and according to the levels shown on the deposited plans and sections the street works and improvements herein-after mentioned (that is to say):—

Power to
make street
works.

Street Work No. 1 A new street 60 feet in width commencing at the centre of Oxford Road opposite Westbourne Road and thence proceeding in an easterly direction and terminating in the centre of Weld Road opposite Westcliffe Road:

Street Work No. 2 A widening and improvement of Lord Street West:—

(a) on the south-east side thereof commencing at the junction of Castle Walk with Lord Street West and

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terminating at a point 40 feet or thereabouts measured in a westerly direction from the western corner of the West End Congregational Church;

(b) on the north-west side thereof commencing at the south-westerly boundary of the property known as No. 15 Lord Street West and terminating in Duke Street:

Street Work No. 3 A widening and improvement of Westcliffe Road Lulworth Road Aughton Road and York Road:—

(a) in Westcliffe Road on the north-west side thereof commencing at the north-easterly boundary and terminating at the south-westerly boundary of the property known as "Beachfield" and being No. 2 Westcliffe Road;

(b) in Lulworth Road on the south-east side thereof and in Aughton Road on the north-east side thereof commencing in Lulworth Road at the junction of that road with Castle Walk and terminating in Aughton Road at the junction of that road with Lyons Road;

(c) in Aughton Road on the south-west side thereof commencing at the junction of that road with Lulworth Road and terminating at the south-westerly boundary wall of the Lancashire and Yorkshire Railway in Aughton Road;

(d) in York Road being the rounding off of both corners of that road at its junction with Aughton Road:

Street Work No. 4 A widening and improvement of Hoghton Street:—

(a) on the south-easterly side thereof commencing at the westerly boundary wall of the property known as No. 14 Hoghton Street and terminating at the junction of that street with Manchester Road;

(b) on the northerly side thereof in front of the property known as No. 15 Hoghton Street;

(c) on the north-westerly side thereof commencing at the south-westerly boundary of the property known as No. 39 Hoghton Street and terminating at the junction of that street with Manchester Road:

Street Work No. 5 A widening and improvement of the corner of Cambridge Road and Park Crescent commencing at a point 125 feet or thereabouts measured in a south-

westerly direction from the north-easterly boundary of the property known as No. 29 Park Crescent and terminating at the southerly gatepost of the northern entrance to the property known as No. 31 Park Crescent:

Street Work No. 6 A widening and improvement of the corner of Derby Road and Sussex Road commencing in Derby Road at the north-easterly boundary wall of the property known as No. 47 Derby Road and terminating in Sussex Road at the north-easterly boundary wall of the property known as No. 2 Sussex Road:

Street Work No. 7 A widening and improvement of the corner of Cambridge Road commencing at the north-easterly boundary of the property known as No. 106 Cambridge Road and terminating at the northerly end of the western abutment wall of the bridge carrying the Lancashire and Yorkshire Railway over that road near Churchtown Station:

Street Work No. 8 A widening and improvement of the corner of St. Luke's Road and Hartwood Road in front of the property known as No. 36 Hartwood Road:

Street Work No. 9 A widening and improvement of Kensington Road on the south-west side thereof:—

(a) commencing at a point 50 feet or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Kensington road and Derby Road and terminating at a point 75 feet or thereabouts measured in a north-westerly direction from the intersection of the centre lines of Kensington Road and Hall Street;

(b) commencing at a point 47 feet or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Kensington Road and Hall Street and terminating at a point 75 feet or thereabouts measured in a westerly direction from the intersection of the centre lines of Kensington Road and Windsor Road:

Street Work No. 10 A widening and improvement of Derby Road on the south-east side thereof commencing at its junction with London Street and terminating at its junction with Kensington Road:

Street Work No. 11 A widening and improvement of London Street on the south-west side thereof commencing

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at its junction with Chapel Street and terminating at a point 7 feet or thereabouts measured in a south-easterly direction from the south-easterly gatepost of the entrance to the Lancashire and Yorkshire Railway Goods Yard opposite Derby Road:

Street Work No. 12 A widening and improvement of Manchester Road on both sides thereof:—

(a) on the north-east side thereof being a rounding off of the corner of that road at its junction with Queen's Road commencing in Queen's Road at a point 30 feet or thereabouts from the north-east side of Manchester Road and terminating in Manchester Road at a point 30 feet or thereabouts measured in a south-easterly direction from the south-east side of Queen's Road;

(b) on the north-east side thereof commencing at the south-easterly boundary of the property known as No. 17 Manchester Road and terminating at the south-easterly boundary of the property known as No. 33 Manchester Road;

(c) on the north-easterly side thereof commencing at the south-easterly boundary of the property known as No. 41 Manchester Road and terminating at the easterly side of the passage between the properties known as No. 9 York Terrace and York Cottage Manchester Road;

(d) On the northerly side thereof commencing at a point 5 feet or thereabouts measured in a westerly direction from the western boundary of the property known as No. 89 Manchester Road and terminating at the eastern boundary of the property known as No. 101 Manchester Road;

(e) On the northerly side thereof commencing at the junction of Manchester Road with Alexandra Road and terminating at the easterly boundary of the property known as the Mount Pleasant Hotel;

(f) On the northerly side thereof in front of the property known as No. 141 Manchester Road;

(g) On the south-westerly side thereof commencing at the westerly boundary of the property known as No. 44 Manchester Road and terminating at the junction of that road with Arnside Road;

(h) On the south-westerly side thereof commencing at the junction of Manchester Road with Arnside Road and terminating at the junction of Manchester Road with Marlborough Road; A.D. 1913.

(i) On the south-westerly side thereof commencing at the junction of Manchester Road with Marlborough Road and terminating at the westerly boundary of the property known as No. 70 Manchester Road:

Street Work No. 13 A widening and improvement of Liverpool Road:—

(a) on the easterly side thereof commencing at the northerly boundary wall of the property known as No. 33 Liverpool Road and terminating at the junction of that road with Church Road;

(b) on the westerly side thereof commencing at the northerly boundary wall of the property known as No. 18 Liverpool Road and terminating at the junction of that road with Welbeck Road;

(c) on the westerly side thereof commencing at the junction of Liverpool Road with Welbeck Road and terminating at the junction of Liverpool Road with Crosby Road:

Street Work No. 14 A widening and improvement of the corner of Park Road and Albert Road in front of the property known as No. 55 Albert Road:

Street Work No. 15 A widening and improvement of Nevill Street on the north-easterly side thereof and of Stanley Street on the north-westerly side thereof commencing at the junction of Nevill Street and Bath Street and terminating at a point 167 feet or thereabouts measured in a north-easterly direction from the point of intersection of the centre lines of Nevill Street and Stanley Street.

The said works will be situate wholly in the borough.

6. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of any such works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided Underpin-
ning.

A.D. 1913. underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk at the Town Hall :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade and the Arbitration Act 1889 shall apply to the reference :
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or

strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the arbitrator the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

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- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

7. The following sections of the Act of 1900 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the street works by this Act authorised:—

Applying certain provisions of Act of 1900 to street works.

- Section 20 (Limits of lateral and vertical deviation for street works);
- Section 21 (Power to make subsidiary works);
- Section 22 (Power to alter steps areas pipes &c.);
- Section 23 (Lands laid into new streets to be public highways);
- Section 24 (As to removal of human remains).

PART III.

LANDS.

8. Subject to the provisions and for the purposes of this Act (including the providing of space for the erection of buildings

Power to acquire lands.

A.D. 1913. — adjoining or near to any street) the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Purchase of lands in lease to Corporation.

9. The Corporation may purchase or otherwise acquire compulsorily or by agreement the fee simple of and in and any other interest in or over all or any part of the lands now held by them under and by virtue of an indenture of lease for a term of 999 years from the 2nd day of February 1901 bearing date 3rd day of December 1901 and made between Charles Joseph Weld-Blundell and the Birkdale Urban District Council.

Appropriation of lands for sewage purposes.

10. Subject to the provisions of this Act the Corporation may appropriate and use for the purposes of sewage disposal works and purposes connected therewith the lands next hereinafter in this section described as soon as they have acquired the same The said lands are the following (that is to say):—

- (A) A piece or parcel of land adjoining the boundary of certain lands belonging to the Corporation and used for the purposes of a recreation ground and containing an area of 3 acres or thereabouts being part of the enclosures numbered 485 and 491 on the $\frac{1}{2500}$ Ordnance map for the parish of Southport Lancaster sheet No. LXXV. 14 edition of 1911:

And the Corporation may also appropriate and use for the purpose of access to and from the said lands and works the lands next hereinafter in this section described as soon as they have acquired the same The said lands are the following (that is to say):—

- (B) A strip of land 15 feet or thereabouts in width and 600 feet or thereabouts in length extending from the north-eastern boundary of the before-mentioned piece of land (A) and extending to the south-eastern end of Portland Street being part of the said enclosure numbered 491 on the map before referred to.

Appropriation of lands for refuse destructors.

11. Subject to the provisions of this Act the Corporation may appropriate and use for the purposes of refuse destructors and purposes connected therewith the lands in this section described held on lease by them from Charles Joseph Weld-Blundell as soon as they shall have acquired the freehold or fee thereof The said lands are the following (that is to say):—

- A piece or parcel of land containing in the whole 5 acres 19 perches or thereabouts situate in the borough bounded

on the south-east side by Sandy Brook and on the north-west side partly by the Birkdale Isolation Hospital and partly by land in lease to the Birkdale District Electric Supply Company Limited and on the north-east and south-west sides by land belonging to the said Charles Joseph Weld-Blundell and being the enclosures numbered 191 192 193 and 195 on the $\frac{1}{2500}$ Ordnance map for the parish of Southport Lancaster sheet No. LXXX. 1111 edition of 1908.

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12. For the protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

For protection of Lancashire and Yorkshire Railway Company.

Notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not purchase or acquire in connexion with or for the purposes of the Street Work No. 7 by this Act authorised any lands or property of the company west of the line marked "proposed improved line of street" on the deposited plans relating to such work nor in connexion with or for the purposes of the Street Work No. 9 by this Act authorised any lands or property of the company south-west of the line marked "proposed improved line of street" on the deposited plans relating to such work nor in connexion with or for the purposes of the Street Work No. 10 by this Act authorised any lands or property of the company south-east of the line marked "proposed improved line of street" on the deposited plans relating to such work.

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

Period for compulsory purchase of lands.

14. The Corporation may for the purposes of this Act in addition to the lands they are authorised to acquire and hold under the powers of the recited Acts and under any of the powers of this Act from time to time by agreement acquire in fee either by purchase or by way of exchange or by way of lease or otherwise any lands within the borough not exceeding in the whole ten acres or any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have

Additional lands by agreement.

A.D. 1913. an interest) Provided that the Corporation shall not create or permit a nuisance on any such lands.

Compensation in case of recently altered buildings.

15. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and twelve if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration &c. in certain cases.

16.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

17. The following sections of the Act of 1900 so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act shall extend and apply mutatis mutandis to and in relation to the lands by this Act authorised to be acquired (that is to say):—

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Applying certain sections of Act of 1900 to lands.

Section 8 (Persons empowered by Lands Clauses Acts to sell lands may grant easements &c.);

Section 11 (Consideration for such acquisition);

Section 12 (Correction of errors &c. in deposited plans and book of reference);

Section 14 (Owners may be required to sell parts only of certain lands and buildings);

Section 15 (Power to retain sell &c. lands); and

Section 16 (Proceeds of sale of surplus lands):

Provided that the said section 14 shall apply in respect of the houses buildings or manufactories described or referred to in the Second Schedule to this Act.

PART IV.

TROLLEY VEHICLES.

18. The following provisions of the Tramways Act 1870 shall so far as the same are applicable to the purposes of and are not varied by or inconsistent with this Act be incorporated with this Part of this Act and such provisions shall be read and have effect as if the works to be constructed in the footpaths or carriageways of the streets for running trolley vehicles by electrical power were tramways and as if trolley vehicles were carriages used on tramways:—

Application of certain provisions of Tramways Act 1870.

Section 3 (Interpretation of terms);

Part II. (Relating to the construction of tramways (except sections 25 28 and 29));

Section 45 (Tolls &c.);

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

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- Section 52 (Transient offenders);
Section 53 (Penalty for bringing dangerous goods on to the tramway);
Section 55 (Promoters or lessees to be responsible for all damages);
Section 56 (Recovery of tolls penalties &c.);
Section 57 (Right of user only);
Section 60 (Reserving powers of street authorities to widen &c. roads);
Section 61 (Power for local or police authorities to regulate traffic in roads).

Power to use trolley vehicles.

19. Subject to the provisions of this Act the Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon a route wholly within the borough commencing in Park Road at its junction with Albert Road thence proceeding along Park Road the Promenade and the Esplanade to the junction of the Esplanade with Weld Road.

As to electrical works.

20.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

(2) Nothing in this section 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.

Corporation to have exclusive right of using apparatus for

21. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working

trolley vehicles and any person except by agreement with the Corporation using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds. A.D. 1913.
working
trolley
vehicles.

22. If the electrical equipment and apparatus for the working of trolley vehicles on the route by this Act authorised be not placed and erected within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for placing and erecting the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for
completion
of trolley
vehicle ap-
paratus.

23. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles. Vehicles not
to be deemed
light loco-
motives or
motor cars.

24. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley vehicles as carriages or light locomotives or hackney carriages. As to licence
duties on
trolley
vehicles.

25. Trolley vehicles and the working equipment shall be of such form weight construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade. No post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Board of Trade. Approval of
vehicles and
equipment
by Board of
Trade.

26.—(1) The Corporation may demand and take in respect of the carriage of passengers upon trolley vehicles fares rates and charges not exceeding the fares rates and charges which the Corporation could have charged if such vehicles had been carriages upon the tramways of the Corporation. Fares rates
and charges.

(2) The Corporation may demand and take in respect of the carriage of parcels upon trolley vehicles rates and charges not exceeding the rates and charges which the Corporation could have charged for the carriage of parcels if such vehicles had been carriages upon the tramways of the Corporation.

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Payment of
fares rates
and charges.

27. The fares rates and charges which the Corporation are empowered to charge under the provisions of this Act shall be paid to such persons and at such places upon or near to the trolley vehicles and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint.

Board of
Trade may
authorise
new routes.

28.—(1) If the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 within the borough (other than the streets or roads in this Part of this Act herein-before referred to) they may make application to the Board of Trade describing the route and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any road or roads described in the application.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

- (a) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the borough;
- (b) Have also published such notice once in the months of October or November in the London Gazette;
- (c) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application:

And each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry to be held in the borough in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation. A.D. 1913.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(7) The making of a Provisional Order under this section shall be primâ facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(8) Any expenses incurred by the Board of Trade in connexion with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connexion with any inquiry under this section shall be paid by the Corporation.

(9) Provided that any Provisional Order to be obtained by the Corporation under the Tramways Act 1870 authorising the construction of tramways in the borough may authorise the Corporation to use trolley vehicles upon all or any of the streets or roads along which such tramways are authorised to be constructed in lieu of such tramways and pending the construction thereof.

29. Subject to the provisions of this Act trolley vehicles and the apparatus in connexion therewith shall for all purposes be deemed to form part of the tramway undertaking of the Corporation. Trolley vehicles to be part of tramway undertaking of Corporation.

30. The following provisions of the Tramways Order of 1899 the Extension Act of 1900 and the Southport Corporation Tramways Order 1902 shall extend and apply to and for the purposes of this Act as if those provisions were with all necessary Applying certain provisions of recited Acts.

A.D. 1913. modifications re-enacted in this Act Provided that in construing those provisions in their application to this Part of this Act unless the context otherwise requires the expression "the tramways" shall be deemed to mean the trolley vehicles and the apparatus and equipment for working the same:—

Of the Tramways Order of 1899—

- Article 8 (Provisions as to construction of tramways);
- Article 17 (Tramways not to be opened until certified by Board of Trade);
- Article 18 (Provisions as to motive power);
- Article 21 (Mechanical power works to be subject to section 30 of Tramways Act 1870);
- Article 22 (Byelaws);
- Article 23 (Amendment of Tramways Act 1870 as to byelaws by local authority);
- Article 24 (Orders &c. of Board of Trade);
- Article 25 (Special provisions as to use of electrical power);
- Article 33 (As to fares on Sundays and holidays);
- Article 34 (Passengers' luggage);
- Article 38 (Periodical revision of rates and charges);
- Article 41 (Regulations);
- Article 47 (Power to hold patents);
- Article 48 (Form and delivery of notices);
- Article 49 (Provisions as to arbitration);
- Article 50 (Saving for general Acts);

Schedule :

Of the Extension Act of 1900—

- Section 40 (Power to make openings and works);
- Section 41 (Power for local authority to reconstruct tramways);
- Section 42 (Power to Corporation to work tramways &c.);
- Section 43 (Working agreements);
- Section 47 (Cheap fares for labouring classes):

Of the Southport Corporation Tramways Order 1902—

- Article 7 (For protection of Postmaster-General).

31. The Corporation shall not carry on the trolley vehicles any goods minerals or animals other than passengers' luggage and parcels not exceeding fifty-six pounds in weight.

A.D. 1913.
As to traffic
on trolley
vehicles.

32. In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connexion with trolley vehicles shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connexion with the remainder of such undertaking.

Accounts.

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

Use of trol-
ley vehicle
posts by
Postmaster-
General.

(a) In placing maintaining or altering such telegraph no obstruction shall be caused to the working or user of the trolley vehicles:

(b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided:

(c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working

A.D. 1913.

or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

- (d) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided :

(i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

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

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

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

(4) In this section—

The expression "the Corporation" includes any person owning working or running trolley vehicles;

A.D. 1913.

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

Conveyance of mails.

34. The Corporation shall perform in respect of trolley vehicles all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

For protection of Cheshire Lines Committee.

35. For the protection of the Cheshire Lines Committee (herein-after called "the committee") the following provisions shall unless otherwise agreed between the Corporation and the committee apply and have effect in relation to the exercise of the powers of this Part of this Act:—

- (1) In this section the word "apparatus" means and includes all standards brackets conductors mains cables wires posts poles and all other apparatus and equipment for the purpose of working the trolley vehicles by this Part of this Act authorised by electrical power and the expression "the property of the committee" includes any railway or work belonging to or worked or occupied by the committee:
- (2) All works and apparatus of the Corporation where the same will be executed or constructed alongside of the property of the committee shall be executed so as not to interfere with the property of the committee and according to plans sections and specifications to be previously submitted to and reasonably approved by the committee or in case of difference between them and the Corporation by an arbitrator to be appointed as herein-after provided Provided that if the committee do not within 28 days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works and apparatus shall be executed and constructed according to the plans sections and specifications approved or determined by arbitration as aforesaid and under the superintendence (if the same shall be given) and to the reasonable satisfaction of the committee The

Corporation shall so maintain and use their works and apparatus as not to affect injuriously the property of the committee and in the event of any injury being occasioned to the property of the committee by the construction maintenance user or removal of the works or apparatus of the Corporation the committee may make good the injury and may recover from the Corporation the reasonable expenses of so doing :

- (3) The Corporation shall on demand pay the committee the reasonable expense of any lighting and watching of the works of the Corporation during the execution or repair by the Corporation under this Part of this Act of any work or apparatus affecting the property of the committee which may be reasonably necessary for the purpose of preventing interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them :
- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe use of the property of the committee or any traffic thereon :
- (5) The Corporation shall be responsible for and make good to the committee all losses damages and expenses which may be occasioned to the committee or to the property of the committee by or by reason of the execution or failure of any of the works or apparatus of the Corporation or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the committee from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (6) If having regard to the proposed position of any works or apparatus of the Corporation by this Part of this Act authorised when considered in relation to the position of any works of the committee it becomes

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reasonably necessary or proper that the electric telegraphic telephonic or signal wires or apparatus on any railway worked by the committee should be altered the committee may execute any works reasonably necessary for such purpose and the reasonable expense of executing such works shall be repaid to the committee by the Corporation :

- (7) If any difference arises under this section between the Corporation and the committee the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

PART V.

PROVISIONS COMMON TO TROLLEY VEHICLES AND TRAMWAYS.

Lopping of trees overhanging trolley vehicle and tramway routes.

36.—(1) Where any tree overhangs any highway along their trolley vehicle or tramway routes which may in any way interfere with the construction or working of the trolley vehicles tramways or trolley wires or with the clear and safe passage of the trolley vehicles or tramways and the passengers thereon the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Shelters or waiting-rooms.

37.—(1) The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers on the routes of the tramways or trolley vehicles of the Corporation and of the servants of the Corporation and may use for that purpose portions of the public streets or roads :

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Provided that notwithstanding anything in this section contained no shelters or waiting-rooms shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of the Lancashire and Yorkshire Railway Company or under the management of the Cheshire Lines Committee Any difference arising between the Corporation and the Lancashire and Yorkshire Railway Company or between the Corporation and the Cheshire Lines Committee under this section shall be determined by an arbitrator to be agreed upon by both parties or failing such agreement to be appointed by the Board of Trade on the application of either party.

(2) No shelter or waiting-room shall be erected under the powers of this section on or immediately abutting on or immediately adjoining the Promenade between Seabank Road on the north and Coronation Walk on the south.

38. Notwithstanding anything in this Act contained the Corporation may at such times and in such manner as they think fit (but subject to any byelaws for the time being in force with respect to the trolley vehicles and tramways of the Corporation) use the trolley vehicles and tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use.

Use of trolley vehicles and tramways for carriage of road materials &c.

39. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the Corporation tramways or trolley vehicles anything which is calculated to obstruct or interfere with the working of such tramway or trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence with respect to any tramways or trolley vehicles of the Corporation shall be liable to a penalty not exceeding twenty pounds.

Penalty for malicious damage.

40. Any property found in any tramcar or trolley vehicle of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice

Lost property on tramcars or trolley vehicles.

A.D. 1913. — by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

Attachment
of signs
indicating
stopping
places to
lamp-posts
&c.

41. The Corporation may attach to any lamp-post pole standard or other similar erections erected on or in the highway on or near to the route of any of the trolley vehicles or tramways of the Corporation signs or directions indicating the position of stopping places for trolley vehicles and tramcars. Provided that the Corporation shall give notice in writing to the owner of any such lamp-post pole standard or similar erection of their intention to attach thereto any such sign or direction and shall make compensation to the said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment. Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes :

Provided also that the Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

PART VI.

IMPROVEMENT OF CHANNELS AND SEASHORE &C.

Power to
dredge and
execute
works.

42.—(1) Subject to the provisions of this Act the Corporation for the purpose of preserving maintaining improving and ensuring access from and to the borough to and from the sea may dredge deepen and excavate the seashore and may widen deepen straighten scour cleanse alter divert and otherwise improve the existing channels and approaches to the borough from the sea and may make and open new channels and approaches and divert tidal or land waters for the purpose of improving preserving maintaining and ensuring such access as aforesaid and may execute and maintain such works of embankment and revetment or other ancillary or necessary works as may be necessary.

(2) The Corporation may purchase hire or otherwise employ vessels machinery or appliances for the purposes aforesaid and

may remove and appropriate sell deposit or dispose of any rock mud sand clay soil or other materials dredged up excavated or obtained in the exercise of the powers aforesaid.

(3) The provisions of this section shall be exerciseable by the Corporation only with the consent of the Board of Trade and in accordance with such plans and sections and subject to such restrictions and regulations as may be determined by the Board of Trade after making such inquiries as they may consider necessary.

(4) Provided that no materials excavated or dredged under the provisions of this section shall be deposited in any place below high-water mark of ordinary spring tides otherwise than in such position and under such restrictions as may be fixed by the Board of Trade :

Provided however that any materials which are not required for the purposes of the works of the Corporation under this Part of this Act or under section 23 (Power to improve lands purchased) of the Act of 1885 or section 32 (Power to improve lands vested in Corporation) of the Extension Act of 1900 shall unless deposited above high-water mark of ordinary spring tides be carried out to sea and deposited westward of the meridian of three degrees nine minutes west of Greenwich.

(5) The Corporation shall not exercise any of the powers of this section in on under over across or in respect of any portion of the seashore other than that edged blue on a map signed in triplicate by William Middlebrook Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons and one copy at the Board of Trade.

(6) For the purposes of this section the provisions of section 68 of the Lands Clauses Consolidation Act 1845 shall be deemed to be incorporated with this section.

43.—(a) The Corporation may purchase by agreement from time to time such parts of the lands marsh and foreshore lying within the borough or of the seashore ex adverso thereof as are coloured red on the map signed in triplicate by William Middlebrook Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred whereof one copy has been deposited in the Parliament Office of the

Power to purchase foreshore by agreement.

A.D. 1913. House of Lords one copy in the Private Bill Office of the House of Commons and one copy in the office of the town clerk.

(b) Section 23 (Power to improve lands purchased) of the Act of 1885 and section 32 (Power to improve lands vested in Corporation) of the Extension Act of 1900 shall apply to the lands to be acquired by the Corporation under the powers contained in this section.

Power to construct bathing pools &c.

44. The Corporation upon any part of the lands or foreshore of which for the time being they are the owners may construct and maintain bathing pools baths bathing bungalows shelters winter gardens floral halls pavilions and conveniences and may take rents or charges for the use thereof or admission thereto.

Power to establish pleasure grounds &c.

45. The Corporation may establish and maintain upon foreshore or lands adjacent thereto within the boundaries of the borough as it existed prior to the passing of the Order of 1911 acquired or to be acquired by them or upon such part thereof as may be set apart for the purpose pleasure grounds and pleasure fairs and in connexion therewith may erect and maintain all necessary pavilions booths and stalls and take rents or charges for the use thereof or admission thereto and may prescribe what portions of such foreshore and lands acquired or to be acquired by them shall or may be used for such purposes or any of them.

Employment of boatmen.

46. The Corporation may employ and pay boatmen for the purpose of protecting persons while bathing.

For protection of Preston Corporation.

47. For the protection of the mayor aldermen and burgesses of the county borough of Preston (in this section called "the Preston Corporation") the following provisions shall unless otherwise agreed between the Corporation and the Preston Corporation apply and have effect (that is to say):—

- (1) The Corporation shall at the same time as they make application for the consent of or forward plans and sections to the Board of Trade under subsection (3) of the section of this Act whereof the marginal note is "Power to dredge and execute works" forward a copy of such application plans and sections to the Preston Corporation and before giving their consent under the said subsection the Board of Trade shall take into consideration any representations made to them by the Preston Corporation with reference

thereto if and so far as the works do or may interfere with the navigation of the port and harbour of Preston and the Corporation shall not exercise any of the powers of the said section otherwise than in accordance with such plans and sections and subject to such restrictions and regulations as the Board of Trade may approve :

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- (2) The Corporation shall in applying for the approval of the Board of Trade under the section of this Act whereof the marginal note is "Works below high-water mark to be subject to approval of Board of Trade" at the same time give notice to the Preston Corporation and shall allow the Preston Corporation to inspect the plans and sections of the works proposed and the Board of Trade shall take into consideration any representation made to them by the Preston Corporation if and so far as the works do or may interfere with the navigation of the port and harbour of Preston.

48.—(1) The Corporation shall not exercise any of the powers conferred by the section of this Act the marginal note whereof is "Power to dredge and execute works" within the area coloured green on the map referred to in the same section without the consent in writing under the hand of the secretary of the Landowners' Drainage Committee constituted under the provisions of a deed of covenants dated the seventeenth day of July one thousand nine hundred and twelve and made between the Right Honourable Edward George Villiers Earl of Derby of the first part the Right Honourable John Baron Lilford of the second part Francis Robert Anderton of No. 1 Mitre Court Buildings Temple in the City of London barrister-at-law and John Ernle Money of No. 25 Abingdon Street in the City of Westminster solicitor (the trustees acting in execution of the trusts of the will of Charles Scarisbrick late of Scarisbrick Hall in the county of Lancaster esquire deceased) of the third part Marie Andre Leon Alvar de Biaudos Marquis de Casteja of Scarisbrick Hall aforesaid of the fourth part and William Worth Deane of Southport in the county of Lancaster of the fifth part or in the event of the said Landowners' Drainage Committee ceasing to exist then the exercise by the Corporation of any of such powers as aforesaid shall be subject to the consent in writing of the trustees or other the

For protection of Landowners' Drainage Committee.

A.D. 1913. owner or owners for the time being of the trust estate of the said Charles Scarisbrick deceased (herein-after referred to as "the owners of the Scarisbrick Estate").

(2) Upon making any application to the Board of Trade for their consent to the exercise of any of the provisions of the said section of this Act to the south-west of such area coloured green as aforesaid the Corporation shall give notice in writing to the secretary of the said Landowners' Drainage Committee or in the event of that Committee ceasing to exist to the owners of the Scarisbrick Estate and to the said Earl of Derby the said Baron Lilford and the said Marquis de Casteja or other the owner or owners for the time being of their respective estates of their intention to make such application and shall furnish the said secretary or other the owners aforesaid as the case may require with copies of any plans and sections to be submitted to the Board of Trade and the said Landowners' Drainage Committee or other the owners as aforesaid shall be entitled to appear and be heard on such application.

For protec-
tion of
Charles,
Hesketh
Fleetwood-
Hesketh.

49. For the protection of Charles Hesketh Fleetwood-Hesketh and his successors in title or other the owners for the time being of the Hesketh Estate (in this section referred to as "the owner") the following provisions shall unless otherwise agreed between the owner and the Corporation in writing apply and have effect (that is to say)—

(1) No works shall be carried out or anything be done under the powers of the section of this Act of which the marginal note is "Power to dredge and execute works" (which section is herein-after in this section referred to as "the aforesaid section") on any part of the foreshore belonging to the owner without his consent in writing Provided that such consent shall not be unreasonably withheld and that any question as to whether such consent is unreasonably withheld shall be determined by the Board of Trade:

(2) A period of not less than eight years shall intervene between any consent of the Board of Trade under the aforesaid section for any works to be carried out on any part of the foreshore belonging to the owner and any application to be subsequently made by the Corporation under such section for works to be carried out on the said foreshore of the owner:

(3) The Corporation shall not less than two months before making any application to the Board of Trade under subsection (3) of the aforesaid section give notice to the owner of their intention to make such application and shall furnish the owner with copies of the plans and sections they propose to submit to the Board of Trade and the owner shall be entitled to appear and be heard on such application. A.D. 1913.

50. The provisions of the section of this Act of which the marginal note is "For protection of Charles Hesketh Fleetwood-Hesketh" shall extend and apply mutatis mutandis to Charles Joseph Weld-Blundell or other the owner or owners for the time being of the Ince-Blundell Estates. For protection of Charles Joseph Weld-Blundell.

51. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade. Works below high-water mark to be subject to approval of Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

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 cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

PART VII.

STREETS BUILDINGS &c.

52.—(1) When a road or lane within the borough becomes a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force in the borough require such owner to widen such road or lane so as to give a width of not less than one-half of such Further provisions as to new streets.

A.D. 1913. — prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land.

(2) Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Corporation.

Intersecting streets.

53.—(1) The Corporation may require that no street shall be laid out within the borough exceeding three hundred yards in length without an intersecting street at intervals of not more than three hundred yards throughout such street unless the person intending to lay out the street shall object as in this section herein-after provided and upon such objection shall show that it would be unreasonable or impracticable to comply with such requirement.

(2) Any person desiring to object as aforesaid shall within one month after being notified of the requirement of the Corporation give notice in writing to the Corporation of his objection and in such case the question shall be referred to the decision of an arbitrator to be appointed by the Local Government Board and the provisions of the Arbitration Act 1889 shall apply to the reference.

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

For preventing water from flowing over foot-paths.

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

Street orderly bins.

55. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine.

56. All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

A.D. 1913.
Elevation of
buildings
erected on
front lands to
require
approval.

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

Means of
escape from
buildings in
case of fire.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(3) Nothing in this section contained shall be deemed to interfere with the operation of sections 14 and 15 of the Factory and Workshop Act 1901 or of any Act amending the same.

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

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As to buildings of iron steel or reinforced concrete.

58. Notwithstanding any provisions contained in any public or local Act or byelaw in force within the borough regulating the construction of buildings the Corporation shall have power to relax or modify such provisions in the following cases and subject to the following provisions (that is to say):—

- (1) Where a person is desirous of erecting an iron steel or reinforced concrete building or structure he shall make an application to the Corporation accompanied by complete plans sections and elevations of the proposed buildings with such details and other particulars as to the construction thereof as may be required by the Corporation :
- (2) The Corporation if satisfied with such plans sections elevations details and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plans sections elevations details and particulars :
- (3) The Corporation may for the purpose of regulating the procedure in relation to such applications and in reference to the excavations for or foundations of or the erection of such building and structure make and issue such general rules as they think fit as to the place time and manner of making applications and as to the plans sections elevations details and particulars to be deposited with the Corporation and as to the precautions to be taken in connexion with any such excavation foundation or erection for safeguarding the stability of the street and the property therein and the public safety and convenience and otherwise and as to any other matter or thing connected therewith respectively :
- (4) Nothing in this section or in any regulation to be made thereunder shall apply to a building (other than a dwelling-house) belonging to a railway company and used by the company as a part of or in connexion with their railway.

Power to require repair or taking down of dilapidated buildings.

59.--(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction

on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order to either put such building (in this section referred to as a "neglected structure") into a state of repair and good condition to the satisfaction of the Corporation or take down the same and/or they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

60.—(1) The Corporation may prohibit the construction in or in connexion with any dwelling-house of any cellar or room the floor level of which shall be lower than the highest known level of the ream water on under or adjacent to the land on which such dwelling-house shall be erected.

Cellars not to be constructed below ream level.

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

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Area of
habitable
rooms.

61.—(1) Every new dwelling-house shall be provided with at least one living room with a floor area of not less than one hundred and fifteen square feet and one bedroom with a floor area of not less than one hundred and ten square feet.

(2) No bedroom or other habitable room in any such dwelling-house shall have less floor area than sixty-four square feet.

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

Byelaws as
to materials
and con-
struction of
buildings.

62. The Corporation may make byelaws with respect to the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings and the thickness and construction of the walls of all ovens and furnaces wholly or partially built after the passing of this Act.

Water-
courses not
to be covered
over except
in accord-
ance with
approved
plans.

63.—(1) Before the owner of any land within the borough shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as herein-after provided require such owner so to construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse :

Provided that—

(A) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted ;

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency necessity or otherwise of the works required by the Corporation to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

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

(4) Nothing in this section contained shall apply to any culvert or covering constructed or to be constructed by the Lancashire and Yorkshire Railway Company or by the Southport and Cheshire Lines Extension Railway Company or by the Cheshire Lines Committee under any Act of Parliament but the said first-mentioned company or the said committee shall upon completion of any such culvert or covering as is mentioned in subsection (1) of this section hereafter constructed by them forward to the Corporation for the purposes of a record only a plan of the culvert or covering as completed.

64. The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by the Lancashire and Yorkshire Railway Company as a part of or in connexion with their railway under any Act of Parliament or used and occupied by the Cheshire Lines Committee as a part of or in connexion with the Southport and Cheshire Lines Extension Railway under any Act of Parliament.

Exemption of buildings of Lancashire and Yorkshire Railway Company and Cheshire Lines Committee.

PART VIII.

SANITARY.

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

Blowing or inflating of carcases.

66.—(1) No room shop or other part of a building within the borough in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a

Places used for storage &c. of human food not to be

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used as
sleeping
places.

sleeping place but no penalty shall be imposed for an offence against this subsection if in the opinion of the court such use would not have caused risk of infection or contamination of food.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable on summary conviction to a fine not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

Houses in-
fested with
vermin to
be cleansed.

67.—(1) If the medical officer has reasonable cause to suppose that any house is infested with vermin he or the inspector of nuisances may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wallpaper from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as herein-after provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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(5) Upon any proceedings under this section the court may inquire as to whether any requirement contained in any notice given or any work done by the Corporation was reasonable and as to whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom the notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

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

Provisions as to combined drainage for two or more houses.

69.—(1) If it appears to the Corporation that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

Corporation may order houses to be drained by a combined drain.

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

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

70. If the owner or occupier of any premises within the borough desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication shall be made by the Corporation upon the cost or estimated cost of making the communication being

Making of communications between drains and sewers.

A.D. 1913. — paid to the Corporation or the payment thereof to them being secured to their satisfaction and the Corporation may execute all works necessary for that purpose.

Notice of intention to repair drains.

71.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the medical officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the inspector of nuisances or any officer of the Corporation authorised in writing by the medical officer for the purpose of inspection.

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

Prohibiting entry of petrol &c. into sewers.

72. Every person who wilfully turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petrol oil or other like deleterious substances from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Watercourse choked up to be a nuisance under Public Health Act 1875.

73. Any stream or watercourse or any part or parts thereof respectively within the borough so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every such stream or watercourse notwithstanding that the same may not be injurious to health.

Regulation dustbins.

74. The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide galvanised iron or enamelled iron dustbins for the convenient removal of house refuse and such dustbins shall be of such size and construction as may be approved by the Corporation and any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation shall for every such offence be liable to a penalty not

exceeding twenty shillings and to a daily penalty not exceeding five shillings: A.D. 1913.

Provided that (except as is herein-after contained) this section shall not authorise the Corporation to require the provision of a dustbin thereunder in any case in which a dustbin or ashpit in use at the passing of this Act is of suitable size and in proper order and condition:

Provided that the Corporation may in any case they think fit require the provision of a dustbin in lieu of any ashpit in use at the passing of this Act but in such case they shall except where the medical officer or the inspector of nuisances shall have certified that owing to wilful neglect on the part of the owner or occupier after due notice to keep the same in proper repair any such ashpit is in such a state as to create a nuisance or be injurious to health bear and pay such sum towards the expense of providing such dustbin (being not less than one-half thereof) as they may consider just and proper according to the circumstances and the remainder of such expenses shall be borne by the owner or occupier.

75.—(1) Subject to the provisions of this Act any officer duly authorised by the Corporation in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any commodity intended for the food of man or any premises where any such commodity is for the purposes of sale deposited or stored or in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein. Entry on premises used for storage of food &c.

(2) On any such inspection the said officer of the Corporation shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor if required.

76. Any premises within the borough used or proposed to be used for the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier thereof with the Corporation from time to time in such manner as the Local Government Board may direct and no premises shall be used for the purposes aforesaid unless the same are registered as aforesaid. Registration of premises used for manufacture &c. of potted meats.

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

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Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

Saving for Lancashire and Yorkshire Railway Company and Cheshire Lines Committee.

77. Nothing contained in the section of this Act whereof the marginal note is "Registration of premises used for manufacture &c. of potted meats" shall apply to or in respect of any premises forming part of the goods or passenger stations or the refreshment rooms at any station of the Lancashire and Yorkshire Railway Company or under the management of the Cheshire Lines Committee.

Power to enter premises.

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

PART IX.

INFECTIOUS DISEASE.

Restrictions on attendance of children at Sunday school when infectious disease exists.

79.—(1) No person being the parent or having the care or charge of a child within the borough who is or has been attending any school or any part thereof which has been closed by order of the Corporation or of the Education Committee of the Corporation with the view of preventing the spread of infectious disease or of a child who with the same view has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school in the borough without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school without undue risk of communicating disease to others.

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

Power to close Sunday schools to prevent

80.—(1) If the Corporation or the health or other the committee appointed by the Corporation to put into operation and to carry out the provisions of this section acting on the

advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children for a specified time such requirement shall be at once complied with.

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—
spread of
infectious
disease.

(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding one pound.

PART X.

POLICE.

81. Every person who shall on Sundays in any street or public place within the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty for
crying news-
papers.

82. The Corporation may for the purpose of preventing obstruction in the streets with the approval of the Secretary of State make byelaws with respect to the places where and the manner in which persons may collect money in any street within the borough for charitable or other purposes Any person who shall contravene any such byelaw shall be liable to a penalty not exceeding forty shillings.

Byelaws as
to street
collections.

83.—(1) Any person who deposits or keeps any obscene or indecent print picture or drawing at any premises within the borough for the purposes of sale or distribution or exhibition for purposes of gain and any person being the occupier of premises who allows any such print picture or drawing to be deposited or kept at such premises for any of the purposes aforesaid shall be liable to a penalty not exceeding for the first offence five pounds for the second offence ten pounds for the third and every subsequent offence fifty pounds.

Penalty for
keeping
obscene
pictures for
sale or ex-
hibition and
power to
search for
seize and
destroy such
pictures.

(2) The possession of any obscene or indecent print picture or drawing upon premises upon which prints pictures or drawings of any description are sold kept for sale or for exhibition shall be primâ facie evidence that such obscene or indecent print picture or drawing is deposited or kept for the purpose of sale or for exhibition.

(3) Any justice of the peace for the borough if satisfied by information on oath made before him that there is reasonable

A.D. 1913. — cause to believe that any obscene or indecent print picture or drawing is deposited or kept at any premises within the borough for any of the purposes aforesaid may issue a warrant under his hand by virtue of which it shall be lawful for any borough constable named therein to enter such premises at any reasonable time by day and to search therefor and seize and take away all such prints pictures or drawings found upon such premises and any print picture or drawing so seized shall be taken before a petty sessional court and in the event of any person being convicted in respect of any print picture or drawing so seized as aforesaid of an offence under the provisions of this section such print picture or drawing shall be destroyed but otherwise any such print picture or drawing shall be restored to the occupier of the premises in which it was seized and the court shall make an order accordingly.

(4) The chief constable of the borough shall furnish to the Secretary of State such returns as he may require of any proceedings taken under the provisions of this section.

(5) The provisions of this section shall cease to be in force within the borough at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by Provisional Order confirmed by Parliament which Order the Secretary of State is hereby empowered to make in accordance with the provisions of the Public Health Act 1875 relating to Provisional Orders amending local Acts and in the application of those provisions to the purposes of this section the Secretary of State shall be substituted for the Local Government Board.

Inspection
and certifica-
tion of taxi-
meters.

84. The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected before being first used and at such reasonable intervals of time as the Corporation may require and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable upon conviction to a penalty not exceeding forty shillings.

85.—(a) No person shall in any street or public place persistently tout for a hotel lodging-house refreshment house shop pier boat garden theatre tramway hackney carriage or any place of amusement. A.D. 1913.
Prohibition
against
touting in
streets &c.

(b) Any person offending against the provisions of this section shall be liable for every such offence on summary conviction to a penalty not exceeding twenty shillings.

86. Nothing contained in the section of this Act whereof the marginal note is "Prohibition against touting in streets &c." shall apply to or in respect of any station or other enclosed property belonging to the Lancashire and Yorkshire Railway Company and used by them as part of or in connexion with their railway under any Act of Parliament or under the management of the Cheshire Lines Committee and used by them as a part of or in connexion with the Southport and Cheshire Lines Extension Railway under any Act of Parliament. Further
saving for
Lancashire
and York-
shire Rail-
way Com-
pany and
Cheshire
Lines
Committee.

87. Nothing in the section of this Act of which the marginal note is "Prohibition against touting in streets &c." shall apply to prevent touting upon the pier of the Southport Pier Company Limited or prevent that company continuing to employ their servants lessees and licencees in making announcements with regard to the business or undertaking of the said company or of their lessees and licencees or in distributing handbills with regard thereto on the open space on the Promenade in front of the entrances of the said pier and of the Pavilion thereon within a distance not exceeding fifteen feet therefrom. For protec-
tion of
Southport
Pier
Company
Limited.

88. Section 109 (Restriction on advertising vehicles) of the Act of 1900 shall be extended so as to provide as follows:— Extending
section 109
of Act of
1900.

"Any person who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding forty shillings."

PART XI.

PUBLIC BUILDINGS PARKS &c.

89. The Corporation may from time to time alter improve and enlarge the existing municipal buildings belonging to them and may for such purposes acquire by agreement and hold lands As to
municipal
buildings.

A.D. 1913. — and may provide such additional or other buildings in connexion therewith and may furnish and equip maintain insure and carry on the same as they may think fit.

Power to provide public buildings &c.

90. The Corporation may provide or acquire or may on lands of which for the time being they may be the owners erect and construct and hold furnish equip maintain insure and carry on public halls concert halls pavilions conservatories winter gardens bandstands assembly rooms day nurseries for children and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading-rooms shelters ante-rooms refreshment rooms kitchens cloak rooms lavatories gardens outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings.

Provision of entertainments.

91.—(1) The Corporation may arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions performances and amusements and for the sale of programmes and refreshments in any public buildings belonging to them or in any park recreation ground or promenade for the time being vested in them or under their control or upon any land for the time being belonging or leased to them and the Corporation may let any such building belonging to them or any such park recreation ground promenade or land as aforesaid for the purposes of such concerts entertainments athletic meetings exhibitions performances or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit:

Provided that any letting other than for a period of less than one month under this section of any building for the purpose of an entertainment shall be by tender and the Corporation shall secure the best rent reasonably obtainable.

(2) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions performances or amusements provided or carried on in pursuance of this section.

Power to charge for admission to public buildings &c.

92. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public buildings belonging to them or for the use of any

buildings or enclosures in any park recreation ground promenade or land used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms reading-rooms and conveniences in connexion therewith as they may deem fit. A.D. 1913.

93. The Corporation may from time to time let for terms not exceeding twelve months to any club company body or persons any portion of any park or place of public resort or recreation set apart by them under section 27 (Power to set apart places for games and to regulate same) of the Act of 1900 and may upon such portions so set apart erect construct and maintain all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences. Power to let recreation grounds &c. to cricket clubs &c.

94. — (1) The Corporation may appropriate the lands belonging to them and now used as a golf course for the purposes of a municipal golf course and may subject to the approval of the Local Government Board appropriate any other lands belonging to them for such purposes and may by agreement purchase or acquire or take on lease and hold and use for the purposes of golf courses and let on lease or otherwise to any club company body or person such lands as may be necessary or expedient for that purpose and may upon any such lands form alter maintain regulate manage and use golf courses with all proper and convenient houses pavilions works buildings and conveniences and may make such charges for the use thereof or may let the same as they think fit Provided that in the event of any of such golf courses being let the public shall be entitled to use such golf course on payment of such reasonable charges as the Corporation may prescribe. Power to establish golf courses.

(2) The Corporation shall apply all moneys from time to time received by them under and in pursuance of the exercise of the powers of this section other than moneys (if any) received on capital account as follows (that is to say) :—

Firstly In payment of the working and establishment expenses and cost of maintenance of such golf courses if maintained by them ;

Secondly In payment of the interest on moneys borrowed by the Corporation for the purpose of such golf courses ;

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Thirdly In providing the requisite instalments or payments in respect of moneys borrowed by the Corporation for the purposes of such golf courses ;

Fourthly In extending and improving such golf courses :

And the Corporation shall carry to the credit of the improvement rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required to carry on the said golf courses and to pay the current expenses connected therewith. Any deficiency in the revenue or receipts of the Corporation on account of such golf courses shall be made good out of the improvement rate.

(3) The Corporation shall keep separate accounts in respect of such golf courses distinguishing therein capital from revenue and such accounts shall be kept separate from all other accounts.

(4) The Corporation may make and enforce byelaws with respect to such golf courses and for regulating the use thereof.

For further protection of Charles Joseph Weld-Blundell.

95.—(1) Nothing contained in the sections of this Part of this Act whereof the marginal notes are “Power to provide public buildings &c.” “Provision of entertainments” and “Power to let recreation grounds &c. to cricket clubs &c.” shall be deemed to authorise the Corporation to use the Victoria Park or the lands comprised in the indenture dated the third day of June one thousand nine hundred and nine and made between Charles Joseph Weld-Blundell and Richard Weld-Blundell and the urban district council of Birkdale or permit the same to be used in contravention of any restrictive covenant for the time being affecting the same in favour of the said Charles Joseph Weld-Blundell or other the owner or owners for the time being of the Ince-Blundell Estates except with the consent in writing of the said Charles Joseph Weld-Blundell or the said owner or owners.

(2) The provisions of the section of this Act of which the marginal note is “Power to establish pleasure grounds &c.” shall not enure to prevent the owner from exercising the right (if any) existing at the passing of this Act to establish and maintain a fair on any lands belonging to him.

As to use of buildings in Hesketh Park for sale of merchandise &c.

96. Nothing in this Part of this Act shall be deemed to authorise the Corporation to erect in Hesketh Park any building to be used for the purpose of the sale of wares or merchandise or any intoxicating liquors in contravention of any covenant or condition relating to such park.

PART XII.

A.D. 1913.

FINANCE.

97.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely):—

Power to borrow.

Purpose.	Amount.	Period for Repayment.
(a) For the purchase of lands for the street works authorised by this Act.	£25,000	Sixty years from the date or dates of borrowing.
(b) For the construction of the said street works.	£25,000	Thirty years from the date or dates of borrowing.
(c) For the purchase of lands for sewage disposal works and refuse destructors.	The sum requisite.	Sixty years from the date or dates of borrowing.
(d) For the laying out and improving of golf courses.	£3,000	Thirty years from the date or dates of borrowing.
(e) For the purchase of the freehold or fee of lands in lease to the Corporation under the provisions of the section of this Act whereof the marginal note is “Purchase of lands in lease to Corporation.”	The sum requisite.	Sixty years from the date or dates of borrowing.
(f) For the electrical equipment of trolley vehicles.	£3,500	Twenty years from the date or dates of borrowing.
(g) For trolley vehicles - - -	£2,250	Ten years from the date or dates of borrowing.
(h) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of the tramway undertaking:

Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as “the prescribed period”) as may be prescribed by the Board with whose consent it is borrowed.

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(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purposes (a) (b) (c) and (e) herein-before mentioned the improvement fund and improvement rate;

As regards money borrowed for the purpose (d) the revenue of the golf courses of the Corporation and the improvement fund and improvement rate or either of those securities;

As regards money borrowed for the purposes (f) and (g) and any money borrowed for the purposes of the tramway undertaking of the Corporation the revenue of the tramway undertaking of the Corporation and the borough fund and borough rate or either of those securities;

As regards money borrowed for the purpose (h) the borough fund and borough rate and the revenues of the respective undertakings of the Corporation in such proportions as the Corporation may determine;

As regards money borrowed with the consent of the Local Government Board such fund rate or revenue as that Board may prescribe:

The provisions of this subsection shall not limit the powers conferred upon the Corporation by section 127 (Security for principal moneys) of the Act of 1900.

As to temporary borrowing.

98.—(1) The Corporation may from time to time for the purpose of providing temporarily for any current expenses that may be incurred by them in the execution of any Act of Parliament or Provisional Order confirmed by or under any Act of Parliament borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person and in either case at such rate of interest as they may determine such sum as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one-fourth of the total aggregate amount of the before-mentioned expenses for the immediately preceding financial year.

(2) Any amount borrowed under this section together with the interest thereon shall form a charge upon all the funds properties rates and revenues of the Corporation *pari passu* with all other mortgages stock or other securities affecting the same.

(3) It shall also be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve.

(4) All sums borrowed by the Corporation under this section in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Corporation in respect of such year.

(5) When the Corporation borrow money under this section—

(a) The treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:

(b) The Local Government Board may make such investigations as may be necessary to satisfy themselves that the requirements of this section have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(6) The provisions of this section limiting the amount of the sums which the Corporation may borrow and the provisions of subsection (4) of this section requiring the repayment thereof out of the revenue referred to in that subsection shall not affect any lender or his security for the loan or overdraft and the interest thereon respectively or his right to obtain payment thereof from the Corporation

(7) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and fourteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order

A.D. 1913. they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Application
of sections
of Act
of 1900 as to
borrowing.

99. The following sections of the Act of 1900 shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to the moneys borrowed under this Act (namely):—

Section 123 (Mode of raising money);

Section 124 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 125 (Provisions of Public Health Act as to mortgages to apply);

Section 129 (Mode of payment off of money borrowed);

Section 130 (Sinking fund);

Section 131 (Protection of lender from inquiry);

Section 132 (Corporation not to regard trusts);

Section 133 (Appointment of receiver);

Section 135 (Application of money borrowed);

Section 137 (Application of sinking fund).

Power to
re-borrow

100.—(1) The Corporation shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) So much of Article II. of the Order of 1887 of Article 7 of the Order of 1895 of section 134 of the Act of 1900 and of section 79 of the Extension Act of 1900 as confers upon the Corporation power to re-borrow are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

101.—(1) The treasurer shall within forty-two 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 the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer 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 together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence

Returns to
Local Gov-
ernment
Board as to
sinking
funds.

A.D. 1913. 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 Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the 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 Board out of the High Court.

Power to establish accident fund.

102. The Corporation may if they think fit form a fund to be called the "accident fund" to provide for meeting claims upon them under the common law or the Employers' Liability Act 1880 and Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested at compound interest in or upon any statutory securities but when the fund shall amount to ten thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payment until the fund be restored to the sum of ten thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds.

Power to Corporation to lend to other authorities.

103.—(1) Subject to the provisions of this Act the Corporation may from time to time advance by way of loan to the Southport Birkdale and West Lancashire Water Board the

guardians of the poor having jurisdiction in the borough or to any joint board (of which the Corporation are a constituent authority) constituted under the Public Health Act 1875 (each of which bodies is in this section included in the expression "borrowing authority") such sum or sums of money as the borrowing authority is for the time being by law authorised to borrow or re-borrow and is desirous to borrow from the Corporation upon the security of any rates or funds which the borrowing authority is authorised to charge for the repayment of the money borrowed.

(2) The Corporation may borrow any sum or sums required by them for a loan to the borrowing authority and may mortgage the funds rates and revenues of the Corporation for the purpose.

(3) The following provisions shall apply to moneys borrowed or raised for the purposes of loans to the borrowing authority:—

(a) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority is authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined:

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

(4) The following provisions shall apply to moneys borrowed for the purpose of loans to the borrowing authority and not raised by the issue of stock:—

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

(b) All sums received from the borrowing authority for interest shall be applied towards the payment of

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interest payable in respect of moneys so borrowed the balance if any being carried to the credit of the borough fund :

(c) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) (b) of this section) and all sums set apart out of the borough fund under subsection (3) (b) of this section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the borrowing authority.

(5) The following provisions shall apply to moneys raised by the issue of Southport Corporation Stock for the purpose of loans to the borrowing authority :—

(a) All sums received from the borrowing authority for interest shall be paid into the Consolidated Loans Fund and shall be applied in paying the dividends on stock :

(b) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) (b) of this section) and all sums set apart out of the borough fund in pursuance of subsection (3) (b) of this section shall be paid into the Consolidated Loans Fund and shall be applied in the redemption or purchase and extinction of stock and until so applied shall be invested in statutory securities the Corporation being at liberty to vary or transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise :

(c) If the sum received as interest from the borrowing authority or derived from such investments as aforesaid is more than is required for the purpose to which the same is to be applied as above mentioned the surplus may be applied in reduction of any contribution payable out of Corporation revenues in respect of dividends on stock.

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

(7) The treasurer shall within twenty-one days after the expiration of each year ending on the thirty-first day of March if during the twelve months next preceding the said thirty-first day of March any sum is payable to the Corporation in respect of moneys lent by them to the borrowing authority and raised otherwise than by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing for the year next preceding the making of such return the amounts which have been received from the borrowing authority for principal the amounts which have been applied directly towards the repayment of the principal payable in respect of moneys raised under this section and the amounts which have been invested and the description of the securities upon which any investment has been made and the purposes to which any portion of the investment has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(8) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to apply or invest as required by paragraph (c) of subsection (4) of this section any sum by that paragraph required to be applied or invested or have misapplied any of the investments or the

A.D. 1913. — produce of the sale thereof the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which such default or misapplication has occurred shall be applied directly towards repayment of principal or be invested and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Subscrip-
tions to Local
Government
associations
and others.

104. The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

(1) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

(2) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connexion with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

PART XIII.

MISCELLANEOUS.

Corporation
may adver-
tise borough.

105. The Corporation may advertise the advantages and amenities of the borough or any part thereof as a health resort or watering place by handbooks or leaflets or by the insertion of advertisements in newspapers not published within the borough or otherwise with the exception of posters and placards as they may see fit and may in lieu of carrying to the credit of the improvement fund the profits if any received by them for the year ending thirty-first March one thousand nine hundred and thirteen or any subsequent year in respect of the pleasure fairs

marine lakes and foreshore and from the letting of chairs in pursuance of the powers of any of the recited Acts or this Act apply such profits for the purpose of defraying the expenses incurred by them under this section and the Corporation shall not be entitled to apply any other moneys for such purpose and the sums so expended shall not in any one financial year exceed the amount that could be raised by a rate of one halfpenny in the pound on the rateable value of the borough.

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106.—(1) The Corporation may by agreement purchase and acquire and may maintain alter extend enlarge improve repair furnish and equip or discontinue sell and dispose of the Victoria Baths in the borough belonging or reputed to belong to the Southport Baths Company Limited and the buildings mains pipes machinery apparatus and effects connected therewith and may also in such buildings or upon in or under any part of the foreshore or any promenade belonging to the Corporation or upon land acquired or appropriated by them for the purpose erect construct provide maintain furnish and equip sea water or fresh water swimming medicated Turkish and other baths either covered uncovered or floating and may lay down and provide such sea water intake pipes tanks culverts mains pipes engines boilers pumps machinery apparatus fittings and effects as may be incidental to or necessary for such purposes and may make such reasonable charges for admission to such baths and for the use thereof for swimming bathing or other healthful or recreative purpose as they may think fit.

Corporation
may provide
baths &c.

(2) The Corporation may with the consent of the Local Government Board and subject to such conditions as they may prescribe for the purpose of providing any such baths as aforesaid purchase or take upon lease or otherwise acquire land by agreement or appropriate land for the time being belonging to them and not required for the purpose for which such land was acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

(3) For the purpose of laying and repairing mains culverts and pipes for supplying sea water to any baths belonging to them the Corporation may break up streets and alter the position of any culverts pipes and wires under any street:

Provided that the Corporation shall not alter the position of or otherwise interfere with any pipe or wire belonging to or

A.D. 1913. used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(4) The provisions of the Baths and Washhouses Acts 1846 to 1899 relating to charges shall not apply to the charges to be made by the Corporation for persons using the baths provided under this section.

For further protection of Lancashire and Yorkshire Railway Company and Cheshire Lines Committee.

107. For the further protection of the Lancashire and Yorkshire Railway Company and the Cheshire Lines Committee (each of whom is in this section respectively referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

- (1) Whenever in the exercise of the powers of the section of this Act the marginal note whereof is "Corporation may provide baths &c." the Corporation require to execute any work for the purpose of or in connexion with the laying down and provision or repair of any intake pipes tanks culverts mains pipes or apparatus upon across or under any railway for the time being belonging to or worked by the company or the stations bridges approaches or other works thereof or to construct any works immediately adjoining or in close proximity thereto they shall (except in case of emergency where as long a notice as is practicable shall be given) give to the engineer of the company fourteen days' notice in writing of their intention to carry out any such works accompanied by sufficient plans:
- (2) The said works including the making good and repairing of any roads over the railway and over any bridges and approaches which the company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation shall be laid constructed and executed by and at the expense of the Corporation under the superintendence (if the same be given) and to the reasonable satisfaction of the said engineer and according to plans to be previously reasonably approved by him and so as to avoid as far as possible any injury to any such railway or any of the works thereof and so as not to cause any interruption to the passage or conduct of the traffic

over or at any such railway or station. Provided A.D. 1913.
that if the said engineer shall not within fourteen
days from the receipt of any such plan have approved
or disapproved thereof or signified his requirements in
relation thereto he shall be deemed to have approved
thereof :

- (3) When the Corporation open or break up any road or pavement of any street or bridge or other work belonging to or repairable by the company the Corporation shall with all convenient speed complete the work for which the same shall be broken up and reinstate and make good the road or works so opened or broken up and shall keep any road or pavement so broken up in good repair for three months after reinstatement and making good and for such further time if any not exceeding twelve months as the soil so broken up shall continue to subside :
- (4) If the Corporation make unnecessary delay in completing such work or reinstating and making good such road or works so opened or broken up or neglect to keep the road or pavement in repair as aforesaid the company may after three days' notice to the Corporation cause such work to be executed or such repair effected and the expense of executing or effecting the same shall be repaid to them by the Corporation :
- (5) The Corporation shall repay to the company the expense of any temporary works or watching which the company may reasonably consider necessary to provide for the protection of any such railway or the traffic thereon during the carrying out of the works aforesaid :
- (6) If any injury shall owing to or by reason of any of the matters aforesaid arise to any such railway or works or interruption to such traffic the Corporation shall make full satisfaction in respect thereof to the company and in the event of any dispute as to the amount of such satisfaction the same shall be determined by arbitration in manner herein-after provided :
- (7) Any difference which may arise between the Corporation and the company under the provisions of this section shall be settled by arbitration under the provisions

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of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

Power to close cover over and let swimming baths in winter.

108. The Corporation may during the winter months from the first day of November to the first day of April close and cover over any swimming bath belonging to them and utilise or from time to time let the same for periods not exceeding one week at a time for meetings concerts entertainments cinematograph shows or for any other purposes free from any restriction contained in the Baths and Washhouses Act 1878 or any Act amending the same.

As to common lodging-houses.

109. No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of Part XI. of the Act of 1900 or any byelaws made thereunder on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Fire alarms

110. The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the borough as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Public drinking fountains.

111. The Corporation may within the borough put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively.

Seats and chairs for public use.

112. The Corporation may place or authorise any person or persons to place seats or chairs on the foreshore and lands adjacent thereto now or hereafter belonging to or (so far as the terms of the lease will allow) leased to them for the use of the public and may if they think fit charge or allow such person or persons to charge reasonable sums for the use of the seats and chairs and may make byelaws for regulating the use of the seats and chairs and for preventing injury or damage thereto.

Churches chapels &c. not to be rated.

113.—(1) No person shall be rated to any rate laid by the Corporation for or in respect of any church chapel meeting house or premises which is by law exempt from rates for the relief of the poor.

(2) Section 122 of the Act of 1871 is hereby repealed provided that such repeal shall not affect any exemptions actually enjoyed at the passing of this Act by virtue of such section. A.D. 1913.

114. The Corporation may convert any clinkers or other refuse or surplus material or product arising in connexion with their refuse destructors into slabs of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connexion therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the improvement fund. Power to convert destructor refuse into slabs and other materials and to use and sell such materials.

115. Where under the provisions of this Act or the recited Acts the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expense of works between different owners.

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

A.D. 1913.
Confirmation
of byelaws.

117. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 are applicable under this Act Provided that as respects byelaws made under the provisions of Part X. (Police) of this Act the Secretary of State shall be substituted for the Local Government Board.

Consents to
be in writing.

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

Effect of
breach of
conditions
attached to
consent.

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

Saving for
indictments
and other
proceedings.

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

Penalties to
be paid over
to treasurer.

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

Recovery of
demands in
county court.

122. Proceedings for the recovery of any demand made under the authority of this Act or the recited Acts or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in

the county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1913.

123. The following sections of the Act of 1900 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (namely):—

Incorporation of certain sections of Act of 1900.

- Section 175 (Informations by whom to be laid);
- Section 179 (As to appeal);
- Section 181 (Compensation how to be determined);
- Section 182 (Compensation may be in land &c.);
- Section 184 (Inquiries by and expenses of Local Government Board);
- Section 185 (Authentication and service of notices &c.);
- Section 186 (Damages and charges in case of dispute to be settled by justices);
- Section 187 (Persons acting in execution of Act not to be liable);
- Section 188 (Powers of Act cumulative);
- Section 189 (Audit of accounts).

124.—(1) A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local Act by reason of his being liable to any rate. Judges not disqualified.

(2) Section 183 (Judges &c. not disqualified) of the Act of 1900 is hereby repealed.

125.—(1) Save as otherwise by this Act expressly provided all offences against the Act of 1900 and this Act and all penalties forfeitures costs and expenses imposed or recoverable under the Act of 1900 or this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

(2) Section 180 (Offences against Act or byelaws to be prosecuted as if offences against Public Health Act 1875) of the Act of 1900 is hereby repealed.

126. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use Crown rights.

A.D. 1913. — 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 His 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 the said Commissioners and Board are hereby respectively authorised to give).

As to appropriation of lands acquired for education purposes.

127. Notwithstanding anything contained in this Act any lands vested in the Corporation for the purpose of the Education Acts 1870 to 1911 shall only be appropriated and used for non-educational purposes in accordance with the provisions of the Education (Administrative Provisions) Act 1909.

For protection of Southport Tramways Company Limited.

128. Notwithstanding anything in this Act contained the following provisions for the protection of the Southport Tramways Company Limited (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company have effect:—

(1) The Corporation shall not execute any works by this Act authorised which shall interfere with any tramways cables boxes feeders or other works owned by or leased to the company except in accordance with plans and specifications to be reasonably approved by the company and all such work shall be executed under the superintendence and to the reasonable satisfaction of the company and in particular the Corporation shall construct such temporary tramways and works as may be reasonably required by the company to prevent interference with the service of cars on any such tramways and shall make full compensation to the company for all loss of traffic or any other expense loss or damage caused to the company by reason of or in connexion with or as the result of any such works of the Corporation :

(2) The Corporation shall not be entitled to use any tramways leased by them to the company for sanitary purposes or for cartage of refuse otherwise than in accordance with the provisions of the leases thereof to the company :

(3) The provisions of the section of this Act whereof the marginal note is "Attachment of signs indicating stopping places to lamp-posts &c." shall not apply to the company or to any tramways owned by or leased to them : A.D 1913.

(4) In the event of any dispute or difference arising between the Corporation and the company under the provisions of this section the same shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and subject thereto the provisions of the Arbitration Act 1889 shall apply.

129. The following provisions for the protection of the Birkdale District Electric Supply Company Limited (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company have effect :— For protection of Birkdale District Electric Supply Company Limited.

(1) Notwithstanding anything in this Act contained the Corporation shall not purchase or acquire the interest of the company in so much of the lands shown on the plan signed by the secretary of the company and the town clerk as is thereon coloured red :

(2) Nothing in this Act shall extend to or authorise any interference with any works of the company except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 :

(3) Where the Corporation under the powers of this Act widen or alter any street in which an electric line belonging to the company is laid under the powers of any Act or Order the company may make such alteration in the position of such line as may be reasonably necessary in consequence of such widening or alteration and any costs reasonably incurred by the company in making such alteration shall be defrayed by the Corporation :

(4) In the event of any difference arising between the Corporation and the company under the provisions of this section such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

A.D. 1913.

Saving for
Southport
Pier Com-
pany.

130. Nothing contained in this Act shall be deemed to authorise the Corporation to contravene any of the covenants on their part contained in an indenture of lease dated the first day of July one thousand nine hundred and eleven and made between the mayor aldermen and burgesses of the county borough of Southport of the one part and the Southport Pier Company Limited of the other part or any of the provisions of such lease.

Costs of Act.

131. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Corporation out of moneys to be borrowed for the purpose under the provisions of this Act.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

LOCAL ACTS.

Session and Chapter.	Title or Short Title.
28 & 29 Viet. c. cxcv. -	The Southport Improvement Act 1865.
34 & 35 Viet. c. cxl. -	The Southport Improvement Act 1871.
38 & 39 Viet. c. cxxvi. -	The Southport Improvement Act 1875.
39 & 40 Viet. c. cxxvii. -	The Southport Improvement Act 1876.
48 & 49 Viet. c. cxxii. -	The Southport Improvement Act 1885.
63 & 64 Viet. c. lxvi. -	The Southport Extension and Tramways Act 1900.
63 & 64 Viet. c. cclxxxi. -	The Southport Corporation Act 1900.

ACTS CONFIRMING PROVISIONAL ORDERS.

A.D. 1913.

Session and Chapter.	Title or Short Title.
35 & 36 Vict. c. clviii. -	The Tramways Orders Confirmation Act 1872 (No. 4) confirming the Southport Tramways Order 1872.
37 & 38 Vict. c. xvii. -	The Gas Orders Confirmation Act 1874 confirming the Southport Corporation Gas Order 1874.
39 & 40 Vict. c. cl. -	The Tramways Orders Confirmation (Bristol &c.) Act 1876 confirming the Southport Tramways (Extensions) Order 1876.
41 Vict. c. xxxvii. -	The Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1878 confirming the Order relating to the borough.
43 & 44 Vict. c. xxxvi. -	The Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880 confirming the Order relating to the borough.
43 & 44 Vict. c. clxxii. -	The Tramways Orders Confirmation (No. 1) Act 1880 confirming the Birkdale and Southport Tramways Order 1880.
45 & 46 Vict. c. cxxxviii. -	The Tramways Orders Confirmation (No. 1) Act 1882 confirming the Birkdale and Southport Tramways (Mechanical Power) Order 1882.
50 Vict. c. viii. -	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1886 confirming the Order relating to the borough.
50 & 51 Vict. c. cxi. -	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1887 confirming the Order relating to the borough.
53 & 54 Vict. c. lxxxv. -	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1890 confirming the Order relating to the borough.
54 Vict. c. l. -	The Electric Lighting Orders Confirmation (No. 2) Act 1891 confirming the Southport Electric Lighting Order 1891.
54 & 55 Vict. c. lxx. -	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1891 confirming the Order relating to the borough.
58 & 59 Vict. c. lxxxvii. -	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1895 confirming the Southport Order 1895.
59 & 60 Vict. c. cv. -	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896 confirming the Southport Order 1896.
62 & 63 Vict. c. cclxxiii. -	The Tramways Orders Confirmation (No. 2) Act 1899 confirming the Southport Corporation Tramways Order 1899.
62 & 63 Vict. c. cx. -	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1899 confirming the Southport Order (No. 1) 1899.
62 & 63 Vict. c. cx. -	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1899 confirming the Southport Order (No. 2) 1899.
2 Edw. VII. c. lxxxiv. -	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1902 confirming the Southport Order 1902.

[Ch. xciii.] *Southport Corporation Act, 1913.* [3 & 4 GEO. 5.]

A.D. 1913.

Session and Chapter.	Title or Short Title.
2 Edw. VII. c. ccii. - -	The Tramways Orders Confirmation (No. 1) Act 1902 confirming the Southport Corporation Tramways Order 1902.
3 Edw. VII. c. lxi. - -	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1903 confirming the Southport Order 1903.
5 Edw. VII. c. ii. - -	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1905 confirming the Southport Order 1905.
5 Edw. VII. c. cvii. - -	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1905 confirming the County Borough of Southport Order 1905.
1 & 2 Geo. V. c. clxxxv. -	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1911 confirming the Southport (Extension) Order 1911.

SECOND SCHEDULE.

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

Parish.	Numbers on Deposited Plans.
Borough of Southport - - -	1 1A 1B 2 to 18 18A 18B 19 20 21 23 to 27 27A 28 29 30 30A 31 to 37 37A 38 to 45 45A 46 47 to 59 59A 60 to 68 68A 69 to 89 91 to 149 151 to 186 186A 187A 188 to 267 269 to 362.

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