



CHAPTER lx.

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Lancaster with reference to their waterworks undertaking the construction of street improvements and the local government of the said borough and for other purposes. A.D. 1918.

[21st November 1918.]

WHEREAS the mayor aldermen and burgesses of the borough of Lancaster (in this Act called "the Corporation") are the owners of the waterworks for supplying and are supplying water within their borough and the neighbourhood thereof and powers in regard to their waterworks and to such supply are conferred upon the Corporation by the Lancaster Waterworks and Gas Act 1852 and by the several local Acts and Orders confirmed by Parliament amending or extending that Act:

And whereas it is expedient to empower the Corporation to construct the waterworks referred to in this Act and to make further provision as in this Act contained in regard to their water undertaking:

And whereas it is expedient to empower the Corporation to construct the street improvements referred to in this Act and that the powers of the Corporation in regard to the health local government and improvement of the borough should be enlarged as by this Act provided:

And whereas all the expenses of the Corporation whether as a municipal or sanitary authority or otherwise are payable out of the borough fund and borough rate or out of the district fund and general district rate of the borough subject so far as the said rate is made for the purposes of the Public Health Acts and certain other purposes to provisions for differential rating in certain cases:

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And whereas the parish of Lancaster is co-terminous with the borough and it is expedient that the contribution of such parish to the borough rate should be levied as part and be paid out of the poor rate for the said parish and that in relation thereto the provisions contained in this Act for differential rating in certain cases in lieu of the existing provisions for differential rating as hereinbefore recited be enacted :

And whereas by an agreement dated the sixth day of November nineteen hundred and one and made between the trustees appointed under and by virtue of the several Acts of Parliament for improving the navigation of the River Lune (namely 23 George II. cap. 12 12 George III. cap. 81 29 George III. cap. 39 and 47 George III. session 2 cap. 37) of the first part the commissioners and trustees for executing the powers of the said Acts of the second part and the Corporation of the third part a copy of which is set forth in the Fourth Schedule it was agreed that the said trustees and commissioners should assign transfer and convey to the Corporation all their rights and interests in the quay or wharf known as the St. George's Quay situate on the east side of the Carlisle bridge belonging to the London and North Western Railway Company and it is expedient that the said agreement be confirmed and that the transfer thereby agreed to be made be sanctioned :

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

(a) For and in connection with the purchase of land for and the construction of the waterworks authorised by this Act	£ 685,000
(b) For and in connection with the purchase of land for and the execution of the street improvements authorised by this Act	46,548

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

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: A.D. 1918.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were deposited with the clerk of the peace for the county palatine of Lancaster in the month of November nineteen hundred and seventeen and in the month of May nineteen hundred and eighteen which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Lancaster Corporation Act 1918. Short and collective titles.

(2) The Lancaster Corporation Acts 1795-6 to 1900 the Lancaster Order 1911 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1911 the Lancaster Order 1916 which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 6) Act 1916 and this Act may be cited as the Lancaster Corporation Acts 1795-6 to 1918.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Water.
- Part IV.—Street Improvements.
- Part V.—Sanitary Provisions.
- Part VI.—Finance.
- Part VII.—Rating.
- Part VIII.—Miscellaneous Provisions.

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—
Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts with the following exceptions and modifications:—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(c) All claims for compensation made upon the Corporation under this Act or any Act incorporated herewith shall if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made be determined in manner provided by section 121 of the Lands Clauses Consolidation Act 1845;

(d) Any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Corporation and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party:

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers); A.D. 1918.

(3) The Waterworks Clauses Act 1863; and

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act and "the centre of the railway" means the boundaries of the reservoirs and the centres of the conduits or channels respectively.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and the Public Health Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

(2) In this Act unless the subject or context otherwise requires—

(a) "The borough" means the borough of Lancaster;

(b) "The Corporation" means the mayor aldermen and burgesses of the borough of Lancaster;

(c) "The council" means the council of the borough;

(d) "The mayor" "the town clerk" "the treasurer" "the medical officer" "the surveyor" and "the inspector of nuisances" mean respectively the mayor the town clerk the treasurer the medical officer of health the surveyor and the inspector of nuisances of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

(e) "The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

(f) "The parish" means the parish of Lancaster;

(g) "The overseers" means the overseers of the poor of the parish;

(h) "The poor rate" means the poor rate for the parish;

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- (i) "The water limits" means the limits for the time being of the Corporation for the supply of water;
- (j) "The tribunal" means the arbitrator or justices to whom any question of disputed purchase money or compensation under this Act is referred;
- (k) "Daily fine" means a fine for each day on which any offence is continued by a person after conviction;
- (l) "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- (m) "Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- (n) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;
- (o) "The recited Acts" means the Lancaster Corporation Acts 1795-6 to 1900;

(p) "The first schedule" "the second schedule" "the third schedule" and "the fourth schedule" mean respectively the first schedule the second schedule the third schedule and the fourth schedule to this Act. A.D. 1918.

PART II.

LANDS.

5. Subject to the provisions of this Act the Corporation may enter upon take and use for and in connexion with the purposes of Part III. (Water) and Part IV. (Street Improvements) of this Act and (in the case of the widening or improving of any existing street) for the providing of space for the erection of buildings adjoining or near to any such street all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. Acquisition of lands.

6. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county palatine of Lancaster for the correction thereof and if it appears to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster and shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate. Correction of errors in plans and book of reference.

7.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by Part III. (Water) of this Act (including the works and conveniences authorised by the section of this Act whereof the marginal note is "Subsidiary works") where the same are intended to be constructed underground acquire such easements only in such lands Acquisition of easements.

A.D. 1918. — as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall either contain or be endorsed with notice of this provision.

Compensation in case of recently acquired interest.

8. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal 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 land created after the twentieth day of November nineteen hundred and seventeen if in the opinion of the 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.

9.—(1) The tribunal 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 has 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.

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(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 to the effect of this section.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the termination of the present war.

Period for compulsory purchase of lands.

11. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by or vested in the Corporation shall as from the date of such acquisition or vesting be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Extinction of private rights of way.

12.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act or any of the recited Acts may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act or their water undertaking but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed one hundred acres.

Purchase of additional lands by agreement.

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(2) The Corporation may on any lands acquired under this section and held for the purposes of their water undertaking execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

(3) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

Persons under disability may grant easements &c.

13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

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

and on any exchange may give or take any money for equality of exchange. A.D. 1918.

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

Proceeds of
sale of sur-
plus lands.

(2) Provided that—

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

(b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Corporation under the last preceding section on the re-sale or exchange of or by leasing any lands acquired under any local Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Local Government Board.

PART III.

WATER.

16.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described.

Power to
make water-
works.

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(2) The said works will be situate in the county of Lancaster and are—

Work No. 2 A conduit or line or lines of pipes and tank (to be called "the Grizedale Tank") such conduit commencing at or near to the existing intake authorised by the Lancaster Water and Improvement Act 1876 and terminating in the said tank on Abbeystead Fell:

Work No. 3 A conduit or line or lines of pipes commencing in Castle Syke at a point 20 chains or thereabout measured in a north-westerly direction from its junction with Grizedale Brook and terminating in the Grizedale Tank:

Work No. 4 A conduit or line or lines of pipes commencing in Grizedale Brook at a point $14\frac{1}{2}$ chains or thereabout measured in a north-north-easterly direction from its junction with Castle Syke and terminating in the Grizedale Tank:

Work No. 5 A conduit or line or lines of pipes and chamber (to be called "the Sparrow Gill Junction Chamber") commencing in the Grizedale Tank and terminating in the said chamber:

Work No. 6 A conduit or line or lines of pipes and chamber (to be called "the Damas Upper Junction Chamber") commencing in the Sparrow Gill Junction Chamber and terminating in the said chamber:

Work No. 7 A conduit or line or lines of pipes commencing in the Damas Upper Junction Chamber and terminating in the Langthwaite Reservoir:

Work No. 8 A storage reservoir (to be called the Langthwaite Reservoir) situate in the township of Scotforth:

Work No. 9 (By-pass) A channel or line or lines of pipes commencing in enclosure numbered 338 on the $\frac{1}{2500}$ Ordnance map Lancashire XXXIV. 4 (edition of 1912) and terminating in enclosure numbered 300 on the said map:

Work No. 10 (By-pass) A channel or line or lines of pipes commencing at the point of commencement of Work No. 9 and terminating at the point of termination of Work No. 9:

Work No. 11 A conduit or line or lines of pipes commencing in enclosure numbered 300 on the $\frac{1}{2500}$ Ordnance map

Lancashire XXXIV. 4 (edition of 1912) and terminating at or near to the eastern end of the Corporation's Blea Tarn Reservoir: A.D. 1918.

Work No. 12 A conduit or line or lines of pipes commencing at or near to the termination of Work No. 11 and terminating in Bowerham Lane at the boundary of the borough:

Work No. 13 A conduit or line or lines of pipes commencing in the Sparrow Gill Junction Chamber (Work No. 5) and terminating in Sparrow Gill Reservoir:

Work No. 14 A storage reservoir (to be called the Sparrow Gill Reservoir) in the township of Over Wyresdale to be formed by an embankment across the Sparrow Gill:

Work No. 15 (By-pass) A channel or line or lines of pipes commencing at a point in enclosure numbered 1043 on the $\frac{1}{2500}$ Ordnance map Lancashire XXXV. 9 (edition of 1912) and terminating in Sparrow Gill:

Work No. 16 A conduit or line or lines of pipes and chamber (to be called "the Damas Lower Junction Chamber") commencing in the Sparrow Gill Reservoir and terminating in the said chamber:

Work No. 17 A conduit or line or lines of pipes commencing in the Damas Upper Junction Chamber and terminating in the Lower Damas Reservoir:

Work No. 18 A storage reservoir (to be called the Lower Damas Reservoir) situate in the townships of Over Wyresdale Ellel and Quernmore to be formed by means of an embankment across Damas Gill:

Work No. 19 (By-pass) A channel or line or lines of pipes commencing in Damas Gill in enclosure numbered 14 on the $\frac{1}{2500}$ Ordnance map Lancashire XXXV. 5 (edition of 1912) and terminating in Damas Gill:

Work No. 20 (By-pass) A channel or line or lines of pipes commencing in the stream forming the eastern boundary of enclosure numbered 20 on the $\frac{1}{2500}$ Ordnance map Lancashire XXXV. 5 (edition of 1912) and terminating in Damas Gill:

Work No. 21 A conduit or line or lines of pipes commencing in Lower Damas Reservoir and terminating by a junction with the conduit (Work No. 7).

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Work No. 22 An impounding reservoir (to be called "the Marshaw Wyre Reservoir") in the township of Over Wyresdale to be formed by means of a dam across the Marshaw Wyre.

(3) The Corporation may stop up and divert such footpaths as are shown on the deposited plans as intended to be stopped up or diverted or as are included within the limits of the lands which the Corporation are authorised by this Act to acquire and which shall be acquired by them.

Subsidiary works.

17. In addition to the works hereinbefore described the Corporation may upon any lands for the time being belonging to them for the purposes of their water undertaking or over which they have or obtain easements for those purposes make and maintain culverts tunnels shafts chambers drains washouts junctions discharge pipes intakes sluices gauges tanks basins filter beds filters embankments dams retaining walls bridges roads tramroads approaches telegraphic and telephonic apparatus valves machinery buildings appliances apparatus and conveniences connected with or ancillary to the Corporation's waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same.

Limits of deviation.

18.—(1) In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

(2) Provided that—

(a) the Corporation shall not construct any embankment or dam of the Marshaw Wyre Reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or dam and five feet in addition;

(b) except for the purpose of crossing over a stream canal or railway no part of the conduits shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

19. If the Marshaw Wyre Reservoir is not completed within seven years from the date upon which the Corporation are permitted to borrow money for the construction thereof then on the expiration of that period the powers granted by this Act for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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Period for completion of Marshaw Wyre Reservoir.

20.—(1) Until the completion of the Marshaw Wyre Reservoir and the date on which the Corporation are able to discharge water from the Abbeystead Reservoir in accordance with the provisions of this section the following provisions shall have effect and the water which the Corporation may take thereunder shall be in addition to that which they may take under the recited Acts:—

Appropriation of water and compensation water.

(a) The operation of the enactments mentioned in Part I. of the first schedule shall be suspended and the enactments mentioned in Part II. of that schedule shall have and shall be deemed to have always had effect as if any obligation to maintain the water capacity of the Abbeystead Reservoir of the Corporation as distinguished from the obligation to maintain the reservoir and the works for discharging water therefrom had been omitted from such enactments:

(b) The Corporation may place weirs and measuring gauges in the Grizedale Brook and in the Castle Syke at or near to the proposed intakes over or through which two hundred and four thousand five hundred gallons of water shall be allowed to pass and flow down the Grizedale Brook in every day of twenty-four hours and seventy-one thousand gallons of water shall be allowed to pass and flow down the Castle Syke in every such day:

(c) At any time when the flow in either of the said streams over or through the said measuring gauges is in excess of the rate mentioned in paragraph (b) of this subsection the Corporation may take water therefrom not exceeding the amount of such excess:

Provided that if the Marshaw Wyre Reservoir shall not be completed within the period limited by this Act for the completion thereof or within any extension thereof that shall be allowed by Parliament then on the expiration of that period or

A.D. 1918. — of such extension (as the case may be) the provisions of this subsection shall cease to have effect.

(2) For the purpose of the first filling of the Marshaw Wyre Reservoir the Corporation may collect and impound water from the Marshaw Wyre when the rate of flow therein is in excess of one million three hundred and fifty thousand gallons per day Provided that during the period of such first filling and until the Corporation are able to discharge water from the Abbeystead Reservoir in accordance with the provisions of this section the whole of the water flowing in the Marshaw Wyre not in excess of one million three hundred and fifty thousand gallons per day shall be allowed to flow down the Marshaw Wyre and into the Abbeystead Reservoir.

(3) As from the completion of the Marshaw Wyre Reservoir and the date on which the Corporation are able to discharge water from the Abbeystead Reservoir in accordance with the provisions of this section the following provisions shall take effect (that is to say):—

(a) The enactments mentioned in the first schedule shall be repealed and the agreement which was confirmed by section 14 (Confirming agreement of 12th May 1852) of the Lancaster Waterworks and Gas Act 1852 and the agreement endorsed thereon dated the sixteenth day of October eighteen hundred and fifty-two shall be annulled Provided that notwithstanding such repeal and annulment the Corporation shall continue maintain repair and use the Abbeystead Reservoir constructed under the powers of the said Act of 1852 :

(b) The Corporation may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the Tarnbrook Wyre and Marshaw Wyre and all tributaries of those streams above the embankment of the Abbeystead Reservoir and all other springs streams and waters within the drainage area of the River Wyre which can be intercepted or taken by the works constructed by the Corporation under the recited Acts or under this Act but nothing contained in this Act shall authorise the Corporation to intercept or take any springs or streams within the said drainage area below the dam of the Abbeystead Reservoir :

Provided that the Corporation shall not—

(i) collect or take the waters of the Marshaw Wyre or any of its tributaries except by means of the Marshaw Wyre Reservoir and the Abbeystead Reservoir or use or appropriate such waters or any other waters collected in the Marshaw Wyre Reservoir except for the purpose of discharging compensation water into the Marshaw Wyre and the River Wyre as hereinafter provided; or

(ii) intercept the water of the Sparrow Gill and the Damas Gill by means of the Sparrow Gill Reservoir or the Lower Damas Reservoir respectively or take any waters of the said gills or either of them for any purpose:

(c) The Corporation shall during every day of twenty-four hours discharge or deliver from the Marshaw Wyre Reservoir into the Marshaw Wyre at a point not more than fifty feet below the foot of the dam of that reservoir not less than one million three hundred and fifty thousand gallons of water in a regular uniform and continuous flow:

(d) The Corporation shall during every day of twenty-four hours discharge or deliver from the Abbeystead Reservoir into the River Wyre at or near to the site of the existing compensation water gauge at that reservoir not less than three million and twenty thousand gallons of water in a regular uniform and continuous flow:

(e) For the purpose of measuring the quantity of water to be discharged or delivered from the Abbeystead Reservoir in pursuance of this section the Corporation shall provide and maintain at that reservoir a proper and suitable measuring gauge over or through which the water shall flow.

(4) Any gauges provided in pursuance of this section shall be open to the inspection and examination of a person appointed by the Lune Board of Conservators and of all persons interested in the flow of the said river and streams.

(5) In case the Corporation omit or fail to provide and maintain any gauge in accordance with this section they shall be liable to a daily fine not exceeding five pounds.

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(6) In case the Corporation shall omit or fail to discharge the quantity of compensation water to be discharged from the Abbeystead Reservoir in pursuance of this section they shall pay to the occupier of each of the mills or works which is now in existence on the River Wyre between the Abbeystead Reservoir and a point opposite to the Vicarage of St. Michael's in the township of Upper Rawcliffe with Tarnacre and for which water from the River Wyre is now used the sum of five pounds for every day or part of a day on which such omission or failure shall occur and shall pay to each of the riparian owners between the Abbeystead Reservoir and the said point opposite to the Vicarage of St. Michael's (other than the Lune Board of Conservators) who shall sue for the same the sum of five pounds for every day or part of a day on which such omission or failure shall occur and the said damages shall be recoverable by every such occupier and owner without proof of any loss or damage sustained by him and the same shall be recoverable with costs in any court of competent jurisdiction:

Provided that the total amount so payable by the Corporation in respect of any one day shall not exceed the sum of fifty pounds in the aggregate and that if that sum is insufficient to satisfy the claims of all parties the claims of the occupiers of the said mills or works shall first be satisfied and the balance only of the sum of fifty pounds shall be available for or towards meeting the claims of the other persons entitled to be paid under the provisions of this subsection.

(7) In case of any omission or failure on the part of the Corporation to provide and maintain any gauge in accordance with this section or in consequence of which omission or failure the respective quantities of compensation water to be discharged from the Marshaw Wyre Reservoir and the Abbeystead Reservoir in pursuance of this section shall not flow or in case the Corporation abstract water from the Grizedale Brook or Castle Syke in breach of the provision of subsection (1) of this section or impound the waters of the Marshaw Wyre in breach of the provisions of subsection (2) of this section or collect take intercept use or appropriate any waters in breach of the provisions of paragraph (b) of subsection (3) of this section the Corporation shall on every day on which such omission or failure or breach occurs pay to the Lune Board of Conservators the sum of five pounds.

(8) If any difference arises between the Corporation and the said Board of Conservators or any person interested in the flow of the said river or streams with respect to the construction maintenance or use or the efficiency or accuracy of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers. A.D. 1918.

(9) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Corporation may collect impound take use divert or appropriate under the recited Acts or this Act.

(10) The Corporation shall not under the recited Acts or this Act take use divert or appropriate any water within the watershed of the River Wyre except the waters of the Tarnbrook Wyre and Marshaw Wyre and the tributaries of those streams above the dam of the Abbeystead Reservoir and any streams springs or waters which drain or flow into such tributaries.

21.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse: Temporary discharge of water into streams.

Provided that any water so discharged shall so far as may be reasonably practicable be free from offensive matter and shall be discharged in such a manner as not to cause injury to fish or spawn or spawning beds.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

22. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road (whether within or without the water limits) of the conduits and lines of pipes authorised by this Part of this Application of Waterworks Clauses Act 1847 to conduits and to telephones.

A.D. 1918. Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus required to be erected or laid down by the Corporation for the purposes of their water undertaking.

For protection of Postmaster-General.

23. Any telephone or telegraph posts wires conductors or apparatus made maintained laid down or erected by the Corporation under the provisions of this Part of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Further powers in relation to water mains.

24. The Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Corporation.

Power to lay pipes in private streets.

25.—(1) The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act and the recited Acts:

(2) Provided that the Corporation shall not exercise the powers of this section with respect to any street or road belonging to or under the control or management of the Midland Railway Company except with the consent of that company but such consent shall not be unreasonably withheld and if any difference shall arise between the Midland Railway Company and the Corporation as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and in carrying out any works authorised by this section the Corporation shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

26.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes :

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Power to hold lands and exercise powers for protection of waters.

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connexion with their water undertaking and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drain sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

27. The Corporation on selling any lands held by them for the purposes of their water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also

Reservation of water rights &c.

A.D. 1918. — make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Meters in streets to measure water or detect waste.

28.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets sewers gas or water pipes electric lines wires and apparatus.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Rates for supply of water for domestic purposes.

29.—(1) As from the thirtieth day of June nineteen hundred and eighteen the unrepealed provisions of section 18 (Rates at which water is to be supplied) of the Lancaster Waterworks and Gas Act 1852 and the provisions of section 8 (So much of 15 & 16 Vict. c. lxxvii. section 18 as relates to waterclosets repealed) and of section 9 (Charges for waterclosets if more than one) of the Lancaster Waterworks and Gas Amendment Act 1855 shall be repealed and the provisions of this section shall be substituted therefor.

(2) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of dwelling-house entitled under the provisions of the recited Acts to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a yearly rate not exceeding ten per centum upon the rateable value of the premises:

(3) Provided that the Corporation shall not be obliged to supply water to the owner or occupier of any premises for any less sum than threepence per week.

(4) The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement.

of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor: A.D. 1918.

Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

30.—(1) The Corporation and any local authority company or persons may enter and carry into effect agreements for and in relation to the supply of water by the Corporation within or beyond the water limits to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions as may be agreed upon: Contracts for supply of water in bulk.

(2) Provided that—

(a) A supply of water under this section shall not be given without the water limits except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits:

(b) Nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

31.—(1) The Corporation shall erect fit up and maintain or provide— Accommodation for workmen employed on construction of works.

(a) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Part of this Act;

(b) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

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(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance (Health) Acts 1911 to 1918 or otherwise.

(3) The medical officer of health of the Lancashire County Council (in this section called "the county council") and any medical officer of health and inspector of nuisances for any district in which such accommodation is afforded under this section shall be entitled at any time to enter into and inspect and examine any such accommodation in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Corporation shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding two pounds:

(5) If at any time it appears to the county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the county council may require:

Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Corporation give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Local Government Board on the application of either of the parties to the difference and the Local Government Board may make such requirements (if any) in variation of the requirements of the county council as they may think fit.

(6) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further daily fine not exceeding five pounds for every day on which the offence is continued after conviction and such fines may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Corporation and shall be recoverable as a debt due from the Corporation to the county council.

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(8) The Corporation shall pay to the Local Government Board any expenses incurred by that Board under this section including a sum not exceeding three guineas a day for the services of any inspector in connection with any local inquiry or investigation which they may consider necessary in the exercise of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

32. The following provisions for the protection of the lord mayor aldermen and citizens of the city of Manchester (in this section referred to as "the Manchester Corporation") shall except so far as may be otherwise agreed in writing between the Corporation and the Manchester Corporation under their respective common seals have effect (that is to say):—

For protection of Manchester Corporation.

(1) Prior to the execution of any works by this Act authorised within the area corresponding with the limits of deviation shown upon the deposited plans referred to in the Manchester Corporation Waterworks Act 1879 the Corporation shall give one month's notice in writing to the town clerk of the city of Manchester and all works executed within such area shall be executed under the superintendence (if the same shall be given) and to the reasonable satisfaction of the waterworks engineer of the Manchester Corporation :

(2) In the execution and maintenance of the works by this Act authorised the works shall be so constructed and maintained as not to interfere with the flow of water in or through the Thirlmere aqueduct or conduit of the Manchester Corporation authorised by the Manchester Corporation Waterworks Act 1879 and so that the works of the Corporation shall be self-supporting and independent of the said aqueduct or conduit of the Manchester Corporation. The works within the area aforesaid shall be executed according to plans sections and drawings previously submitted to and reasonably approved in writing by the waterworks engineer of the Manchester Corporation. Provided that if for one month after such

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plans sections and drawings shall have been submitted to such waterworks engineer he shall have failed to give notice to the Corporation of his objections thereto he shall be deemed to have approved thereof :

- (3) The works of the Corporation shall be constructed at a minimum distance of nine yards from the said Thirlmere aqueduct or conduit of the Manchester Corporation except where necessary for the purpose of constructing the said works under or over such aqueduct or conduit including the approaches to the point at which the works will be constructed under or over such aqueduct or conduit :
- (4) The Corporation shall bear and on demand pay to the Manchester Corporation the reasonable expenses of the employment of a sufficient number of inspectors and watchmen to be appointed by the Manchester Corporation for inspecting and watching their said Thirlmere aqueduct or conduit with reference to and during the execution of the works of the Corporation at the point where such works cross the works of the Manchester Corporation :
- (5) If by reason of the execution or failure of the works by this Act authorised any aqueduct or conduit of the Manchester Corporation be injured or destroyed the Manchester Corporation at the expense of the Corporation may execute such repairs and works as may be required :
- (6) If by reason of the execution or failure of the works by this Act authorised any interruption be occasioned to the supply of water by the Manchester Corporation the Corporation shall forfeit and pay to the Manchester Corporation the sum of fifty pounds for every day during which such interruption shall continue :
- (7) Notwithstanding anything in this Act contained the Corporation shall be responsible for and make good to the Manchester Corporation all costs losses damages or expenses which may be occasioned to them or to any of their works or property by reason or in consequence of the execution or failure of any of the works of the Corporation or by any act

or omission of the Corporation or any persons in their employment or their contractors or agents and the Corporation shall effectually indemnify and save harmless the Manchester Corporation from all claims and demands upon or against them by reason of such execution or failure or of such act or omission which shall be caused by the execution or failure of the works of the Corporation :

- (8) Nothing in this Act shall alter diminish prejudice take away or interfere with any rights easements powers privileges or authorities of the Manchester Corporation under the Manchester Corporation Waterworks Act 1879 or any existing statutory extension or modification of that Act with reference to the construction alteration improvement extension maintenance or use of the said aqueduct or conduit from Lake Thirlmere authorised by such Act or Acts or the works connected therewith and if owing to the works authorised by this Act any additional expense shall be incurred by the Manchester Corporation in the exercise of the said rights powers privileges and authorities or any of them the amount of such additional expense shall be repaid by the Corporation to the Manchester Corporation :
- (9) If any difference shall arise between the Manchester Corporation and the Corporation under this section such difference shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the Manchester Corporation or in default of agreement to be appointed (on the application of either Corporation after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

33. Except so far as may be otherwise agreed in writing between the Lune Board of Conservators (in this section referred to as "the fishery board") and the Corporation the following provisions shall apply and have effect—

For improve
ment of
fisheries in
River Wyre.

- (1) Before commencing the construction of any works in the watershed of the River Wyre by this Act

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authorised the Corporation shall pay into the London County and Westminster Bank Lothbury to the credit of the Board of Agriculture and Fisheries and the fishery board (together in this section referred to as "the trustees") the sum of eight hundred and fifty pounds :

- (2) The said sum shall be placed on deposit at the said bank or invested by the trustees in their joint names and (together with any interest or dividends arising thereon) expended by the trustees in improving the fisheries in the River Wyre in such manner or applied to such other purposes as the fishery board with the approval of the Board of Agriculture and Fisheries shall think fit:
- (3) The Corporation shall during the construction repair and renewal of the works by this Act authorised or any of them at all times take or cause to be taken all such steps as are reasonably practicable to prevent the escape or discharge from the said works or from land in the occupation of the Corporation into the River Wyre or any tributary or stream communicating therewith or belonging thereto respectively of any solid or liquid matter detrimental to fish and in the event of any damage being caused to any fishery in the said river or any such tributary or stream as aforesaid by reason of any failure on the part of the Corporation to take such steps as are required by this subsection compensation for such damage shall be payable by the Corporation to the fishery board and in case of dispute the amount of such damage shall be determined by an arbitrator to be appointed as hereinafter provided:
- (4) The by-passes (Works Nos. 15 19 and 20) by this Act authorised shall be constructed and maintained to the reasonable satisfaction of the fishery board and in such manner that the whole of the waters of such streams above the Sparrow Gill Reservoir or Lower Damas Reservoir respectively are able to flow without interruption through such respective by-passes into the said streams immediately below the said respective reservoirs :

(5) Any dispute which may arise under this section between the Corporation and the fishery board shall be referred to a single arbitrator to be appointed in default of agreement between the parties by the President of the Institution of Civil Engineers on the application of either party : A.D. 1918.

(6) As from the payment by the Corporation of the sum mentioned in subsection (1) of this section all obligation and liability imposed upon the Corporation by any local or general Act relative to the provision attachment and maintenance of a fish-pass or fish-passes or similar apparatus in connexion with any works on the River Wyre or any tributaries thereof shall cease.

34. For the protection of the Right Honourable Osbert Cecil Earl of Sefton his heirs successors and assigns for the time being entitled in possession whether for life or any greater estate to the estates in the county of Lancaster known as the Abbeystead Lentworth Hall and Ortnor Estates (hereinafter called "the owner") the following provisions shall unless otherwise agreed in writing between the Corporation and the owner have effect (that is to say):— For protection of Lord Sefton.

(1) Notwithstanding anything in this Act to the contrary any lands easements property rights or interests acquired by the Corporation under the powers of this Act from the owner shall be acquired subject to the provisions of the Lands Clauses Acts as if such lands easements property rights and interests were lands within the meaning of those Acts :

(2) In constructing and maintaining the works by this Part of this Act authorised upon lands acquired from or belonging to the owner or over which the Corporation shall have acquired an easement only from the owner the Corporation shall only commence such works at such period of the year as the owner shall reasonably approve :

(3)—(a) In the construction and maintenance of the works by this Part of this Act authorised upon lands acquired from or belonging to the owner other than the area covered by the water of the Marshaw Wyre Reservoir and the Sparrow Gill Reservoir respectively

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the Corporation where the nature of the work renders such a course practicable shall first carefully remove from the surface all turf and vegetable soil on the line or site of such works and on the completion of such works or any repairs or other maintenance they shall replace the turf and vegetable soil and restore the surface as near as may be to its former level and state :

- (b) Provided that the conduits Works Nos. 2 3 4 5 6 13 15 and 16 shall be covered over and that the upper surface of such conduits shall throughout be not less than two feet below the present surface of the land except where conduits are shown to be above that level on the deposited sections :
- (c) The Corporation may use any materials arising from the construction or maintenance of such works for any of the purposes of the works authorised by this Act and all surplus materials shall be disposed of as the owner may from time to time reasonably direct on the estate :
- (d) For the purpose of laying maintaining repairing and renewing and otherwise with respect to and for the purposes of the conduits referred to in this subsection the owner shall grant and the Corporation shall acquire an easement only :
- (4) The Corporation shall during the execution of the works authorised by this Part of this Act through the enclosed lands of the owner fence in and keep fenced in the site of so much of the said works as may from time to time be in course of execution with a sufficient and not unsightly fence for which purpose no barbed wire shall be used and forthwith after such works shall have been completed and the surface of the ground properly restored and levelled the Corporation shall if the owner so requires remove the said fence :
- (5) The Corporation before commencing the construction of any of the subsidiary works authorised by this Part of this Act upon lands acquired from the owner or over which they have or acquire easements from the owner shall cause plans and sections of the proposed

works showing all reasonable details to be submitted to the owner in order that he may suggest any reasonable deviation or alteration in the mode of carrying out the works and in case of dispute as to the reasonableness of any such deviation or alterations the same shall be settled by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers Provided that nothing in this section or in the section of this Act of which the marginal note is "Subsidiary works" shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon the lands of the owner by reason of the construction and maintenance of such subsidiary works:

- (6) The Corporation shall not at any time erect any dwelling-house hut or other building of the like kind either temporary or permanent upon lands acquired from or belonging to the owner except temporarily for the purposes of or connected with the construction of the works authorised by this Part of this Act and then only upon lands to be specified by the owner or in case of difference determined by arbitration and forthwith after completion of such construction as aforesaid they shall remove any dwelling-house hut or other building so erected:
- (7) For the purpose of the first filling of the Marshaw Wyre Reservoir the Corporation shall only collect and impound water from the Marshaw Wyre when the flow therein is in excess of one million three hundred and fifty thousand gallons per day of twenty-four hours when they may collect and impound the amount of such excess and during the period of such first filling and until the Corporation are able to discharge water from the Marshaw Wyre Reservoir in accordance with the provisions of this section the whole of the water flowing in the Marshaw Wyre not in excess of one million three hundred and fifty thousand gallons per day shall be allowed to flow down the Marshaw Wyre:

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- (8) As from the completion and first filling of the Marshaw Wyre Reservoir the Corporation shall during every day of twenty-four hours discharge or deliver from that reservoir at or within fifty feet of the foot of the embankment or dam thereof not less than one million three hundred and fifty thousand gallons of water in a regular uniform and continuous flow :
- (9) For the purpose of measuring the quantity of water to be discharged or delivered from the Marshaw Wyre Reservoir in pursuance of this section the Corporation shall provide and maintain at that reservoir a proper and suitable measuring gauge over or through which the water shall flow :
- (10) Any gauges provided in pursuance of this section shall be open to the inspection and examination of the owner :
- (11) In case of any omission or failure on the part of the Corporation to discharge or deliver water from the Marshaw Wyre Reservoir in accordance with the provisions of this section they shall be liable to a daily penalty not exceeding five pounds :
- (12) The period for the completion of the Marshaw Wyre Reservoir shall not exceed six years from the date of the commencement thereof and the period for the completion of (a) conduit Work No. 2 shall not exceed two and a half years from the date of the commencement thereof and of (b) the conduits Works Nos. 3 4 5 6 13 15 and 16 shall not exceed two years from the date of the commencement thereof respectively All works authorised by this Part of this Act upon lands acquired from the owner or through lands of the owner shall be carried out with all reasonable dispatch and without interruption except for causes beyond the control of the Corporation from the commencement thereof until completion :
- (13) It shall not be lawful for the Corporation their servants or agents or any person or persons acting under the authority of or with the permission or consent of the Corporation at any time to cross or come upon the estates of the owner except along a highway for any purpose except that of constructing inspecting and

maintaining any works by this Act authorised and of inspecting and maintaining any works authorised by any of the recited Acts and of inspecting and examining any gauges which have been constructed under the provisions of this Act or any of the recited Acts and no officer servant or agent of the Corporation shall at any time cross or come upon the estates of the owner except along a highway for any such purposes as aforesaid without the written authority of the Corporation and such officer servant or agent shall at all times when upon such estates if required produce and show such authority to the owner his servants and agents :

(14) In constructing and maintaining the works authorised by this Part of this Act upon lands acquired from or belonging to the owner the Corporation shall not in any way interfere with the existing water supply to Abbeystead mansion house which notwithstanding anything in this Act contained the owner is to be entitled to maintain :

(15) Before abstracting any water by means of the conduit Work No. 2 authorised by this Part of this Act the Corporation shall when required by the owner so to do in such positions as shall be reasonably required by him provide and maintain—

(a) proper and efficient stand pipes for each of the six farms of the owner known as Higher Lee Middle Lee Lower Lee and Dunkenshaw and Gornall's and Pye's Farms in Tarnbrook village ;

(b) three proper and efficient stand-pipes for the village of Tarnbrook and its neighbourhood ; and

(c) not exceeding twenty-nine proper and efficient troughs for the fields and enclosures on the estates situated in the area bounded by the Tarnbrook Wyre the Grizedale Brook the said conduit Work No. 2 and the Thrush Clough :

And the Corporation shall at all times free of charge provide and maintain a constant and sufficient supply of water to such stand-pipes and troughs :

(16) The Corporation shall construct and maintain to the reasonable satisfaction of the owner at or near to the

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dam or embankment of the Marshaw Wyre Reservoir an efficient fish pass or passes and such other works as shall be necessary for securing the free and uninterrupted passage of fish into and out of the said reservoir and notwithstanding anything in this Part of this Act contained the Corporation shall maintain in good state and condition the fish pass at the Abbeystead Reservoir referred to in section 21 (Fish pass at Abbeystead Reservoir) of the Lancaster Water and Improvement Act 1876 :

- (17) The exclusive right of fishing in the Abbeystead Compensation Reservoir reserved to Robert Garnett his heirs and assigns by the recited Acts or some of them now vested in the owner shall extend and apply to the Marshaw Wyre Reservoir authorised by this Act and the owner shall also have the exclusive right of fowling shooting and sporting in and over that reservoir and of keeping and using boats on that reservoir and of erecting and maintaining a boathouse on the side thereof but so as not to interfere with the land and works of the Corporation :

Provided that such rights shall not interfere and shall not be exercised so as to interfere with the powers of the Corporation to do all such acts and things whatever as may be necessary for maintaining cleansing and repairing such reservoir and the works connected therewith :

- (18) Notwithstanding anything in this Act to the contrary section 32 of the Railways Clauses Consolidation Act 1845 shall not apply to the lands of the owner except with his written consent :
- (19) The Corporation shall be responsible for all damage to stock of the owner and his tenants caused by reason of and during the execution of any of the works by this Act authorised and for all other damage to the owner or his tenants or their respective animals crops and property caused by workmen or others engaged upon or for the purposes of such works :
- (20) Any telegraph or telephone wires or other means of communication laid by the Corporation through the estates of the owner shall be placed underground by

the side of and as near as practicable to the line of the above-mentioned conduits or in such other positions as may be agreed between the Corporation and the owner :

(21) The Corporation shall from time to time at the request of the owner provide for the present or future drainage of his estates proper and suitable culverts or drains where such drainage is interfered with by their works as authorised by this Act :

(22)—(a) Any temporary road or other means of access constructed by the Corporation on lands acquired from or belonging to the owner for the purpose of constructing the Marshaw Wyre Reservoir shall be in such a position as the owner may reasonably require and the Corporation shall if required by the owner fence off the same and the site of the Marshaw Wyre Reservoir with an unclimbable fence :

(b) On the completion of the said reservoir the Corporation shall remove the said temporary road or other means of access and the fences to such road and restore the site of the road to its former condition to the reasonable satisfaction of the owner if required by him and shall for ever thereafter if reasonably required by the owner keep the said reservoir properly fenced to his reasonable satisfaction :

(c) Notwithstanding anything contained in this subsection the Corporation shall be entitled to construct a road from a highway at the Wellbrook Farm end of the Marshaw Wyre Reservoir to the site of that reservoir in such a position to be reasonably approved by the owner as shall afford reasonable means of access to the reservoir to the officers servants or agents of the Corporation for the purpose only of (A) constructing inspecting and maintaining any works by this Part of this Act authorised and to the Corporation or any committee thereof for the purpose of (B) enabling them only when reasonably necessary to make visits of inspection to the reservoir such road to be fenced on both sides thereof to the reasonable satisfaction of the owner and the Corporation shall at all times maintain the said fences and repair the said road and subject to the provisions of subsection (13)

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of this section shall at all times for the purpose (A) before indicated be entitled to use the same and the same shall not be deemed a highway :

- (23) All fences gates watercourses roads ways ordinarily used as roads for the haulage of material conveniences and other matters and things belonging to the owner or his tenants which may be interfered with by the Corporation during construction or maintenance of the works authorised by this Part of this Act shall subject to the provisions of this section forthwith after such interference be made good by the Corporation :
- (24) The Corporation shall compensate and indemnify the owner and his lessees and tenants for and against any loss or damage caused by the leakage or bursting of the reservoirs conduits or works authorised by this Part of this Act or any other occurrence arising out of the said reservoirs or works :
- (25)—(a) The right of the owner and his tenants of passing over and using the land over or under the said conduits for all purposes (except such as would injure the conduits or interfere with their maintenance) shall not be interfered with :
- (b) It shall be lawful for the owner and his tenants to lay out construct and use along over or under the conduits any roads drains or pipes provided that such construction and use shall not interfere with or injure the conduits or any works authorised by this Act or the maintenance thereof :
- (c) The Corporation shall not except with the consent of the owner fence off or sever any land of the owner in respect of which the Corporation acquire only an easement :
- (d) The owner shall pay to the Corporation compensation for all injury or damage which shall be done to the works of the Corporation by the owner or his tenants in the exercise of the rights reserved or conferred by this subsection :
- (26) The Corporation shall from time to time pay to the owner on demand the reasonable costs of the employment by him of a reasonable and sufficient number

of additional keepers or watchers for the protection of the game and for the prevention of persons trespassing upon lands of the owner during the construction or any extraordinary repair of the works of the Corporation :

- (27) All disputes between the owner and the Corporation relating to any matter contained in this section as to which no special provision is made in this section for the determination thereof shall be determined by arbitration in manner provided by the Arbitration Act 1889 :
- (28) The provisions in this section shall be in addition to and not in derogation from any other provisions of this Act or of the recited Acts (so far as the same are not repealed by this Act) or of any Act incorporated therewith which may enure for the protection or benefit of the owner.

35. Except so far as may be otherwise agreed in writing between the Corporation and the mayor aldermen and burgesses of the borough of Morecambe (in this section called "the Morecambe Corporation") under their respective common seals the following provisions shall apply and have effect (that is to say) :—

Water supply to Morecambe Corporation.

- (1) The provisions of this section (subject as in this subsection provided) shall apply and have effect as and from the first quarter day after the Corporation shall have commenced to borrow money for the purposes of the works authorised by this Part of this Act and such day is hereinafter referred to as "the commencement of this section" Provided that—

(a) If the Corporation within one year (or such further period as the Local Government Board may by order prescribe) after the Corporation shall have become entitled under the provisions of this Act to borrow money for the purposes of the said works shall not have let contracts for or otherwise commenced to carry out Works Nos. 3 4 5 6 and 7 authorised by this Part of this Act the provisions of this section shall not take effect and the Morecambe Corporation shall be entitled to seek such powers as they think fit for the supply of water to their borough subject only to the provisions of

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any agreements for the time being subsisting between them and the Corporation and the Corporation shall if required by the Morecambe Corporation consent to the supply of water by the Manchester Corporation from the Thirlmere Aqueduct :

(b) Subject as hereinbefore provided any agreements now in force with respect to the supply of water to the Morecambe Corporation by the Corporation and determinable by either party shall notwithstanding such power to determine continue in force until the commencement of this section :

- (2) The Corporation shall supply to the Morecambe Corporation and the Morecambe Corporation shall take from the Corporation in perpetuity in bulk such water as the Morecambe Corporation shall from time to time require for the supply of water within their borough and for this purpose the Morecambe Corporation not earlier than six months and not later than nine months after the Corporation shall have become entitled under the provisions of this Act to borrow money for the purposes of the works authorised by this Part of this Act shall by notice in writing to be served by them upon the Corporation specify the maximum quantity required to be supplied in any one day of twenty-four hours and thereafter from time to time the Morecambe Corporation shall be entitled by six months' or if no additional works are required by three months' previous notice in writing served upon the Corporation to increase the quantity for the time being so required to be supplied and from and after the service of the first notice or the said first quarter day whichever shall last happen the quantity specified in such notice and from and after the expiration of each subsequent notice as aforesaid the quantity specified therein shall be the quantity of water required to be supplied by the Corporation and the Corporation shall at all times deliver the water at a pressure of not less than sixty pounds per square inch at the meter house hereinafter referred to :
- (3) The water to be supplied to the Morecambe Corporation shall be delivered and measured at the existing meter

house at Morecambe Road near to the boundary of the borough of Morecambe and the Corporation shall for ever hereafter keep and maintain in good repair order and condition the said meter house and also therein a gauge or meter proper and sufficient for measuring the water from time to time supplied by them to the Morecambe Corporation and also a proper and effective self-recording pressure gauge and the Corporation and the Morecambe Corporation respectively shall have and the Corporation shall at all reasonable times afford to the Morecambe Corporation full and free access to the said meter house and to the gauge or meter and pressure gauge and all records therein: A.D. 1918.

(4) The price to be paid by the Morecambe Corporation to the Corporation for the supply of water under this section shall be eightpence for each one thousand gallons supplied to and taken by the Morecambe Corporation Provided that—

(a) either the Corporation or the Morecambe Corporation by giving not less than six months' notice in writing to the other to expire not earlier than ten years after the commencement of this section and again from time to time by similar notice to expire not earlier than the period of twenty years after the last preceding notice may require a revision of the said price or of any price for the time being substituted therefor under this subsection and thereupon as from the expiration of any such notice the price to be paid to the Corporation shall be a price failing agreement to be determined by an arbitrator to be appointed unless otherwise agreed by the Local Government Board ;

(b) if in any one day a less quantity of water than is equal to two-thirds of the maximum quantity for the time being required to be supplied shall be taken the quantity equal to such two-thirds subject as hereinafter mentioned shall be deemed to have been supplied and taken and payment at the rate hereinbefore mentioned for the time being payable

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under the provisions of this subsection shall be made accordingly ;

(c) during the period from the fifteenth day of July to the fifteenth day of September inclusive in any year the Morecambe Corporation shall be entitled to demand and be supplied with water under the provisions of this Act to an additional quantity not exceeding twenty per centum over and above the maximum daily quantity to be specified and supplied under the provisions of this section and such additional quantity as herein mentioned shall not be considered as part of the maximum quantity upon two-thirds of which payment is to be made under paragraph (b) of this subsection :

- (5) If at any time the quantity of water available for enabling the Corporation to meet the requirements of the inhabitants of the borough and to fulfil all their other obligations for the time being for the supply of water under the recited Acts and this Act shall be insufficient for such purposes and in consequence thereof the Corporation shall reduce the quantity of water supplied by them to consumers within the borough the Corporation shall be entitled to make a reduction in the quantity of water which the Corporation shall for the time being be under obligation to supply under this section corresponding as nearly as practicable with the reduction made to such consumers within the borough :
- (6) The Corporation shall deliver quarterly to the Morecambe Corporation accounts of the sums of money payable to the Corporation by the Morecambe Corporation for water supplied under this section for each quarter ending on each of the four usual quarter days in each year and the Morecambe Corporation shall pay each such account (unless the same be bonâ fide disputed) to the Corporation within seven days after the next ordinary meeting of the Morecambe Corporation after delivery thereof together with (in case payment shall not be made as aforesaid) interest thereon from the date of delivery of the account

until payment at the rate of five per centum per annum :

- (7) The Corporation shall not be liable for any interruption in the supply of water under this section if such interruption is caused by frost unusual drought or other unavoidable cause or accident :
- (8) The Corporation shall not be entitled to and shall not supply water within the borough of Morecambe save to the Morecambe Corporation and shall not be entitled and shall not supply water in bulk to any consumers within their area of supply at a less price than that charged to Morecambe but so that the several existing agreements between the Corporation and the Lancaster Rural District Council or their predecessors dated respectively the fifth day of May eighteen hundred and ninety-four the twenty-eighth day of February eighteen hundred and ninety-nine the fourteenth day of July nineteen hundred the eighth day of February nineteen hundred and two the twenty-sixth day of May nineteen hundred and two the thirtieth day of May nineteen hundred and three the twentieth day of May nineteen hundred and five and the twenty-fifth day of September nineteen hundred and five for the supply of water within the townships or places of Slyne Hest-Bank and Bolton-le-Sands and the existing agreements or arrangements for the supply of water by the Corporation to the Ripley Hospital the Royal Albert Institution and the Midland Railway Company in the borough and to Aldcliffe Hall and other surrounding property formerly belonging to the late Edward Bousfield Dawson and to Carus Lodge all situate in the rural district of Lancaster shall notwithstanding this provision remain in full force and effect :
- (9) Nothing in this section shall affect the right of the Morecambe Corporation to establish works in their district for obtaining a supply of sea water or water obtained from the wells situate at Poulton Square Poulton Hall the electricity and destructor works and the gasworks within their district for public baths and wash-houses or to lay mains and pipes for supplying such water

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for flushing the streets and sewers or for electricity and destructor and gasworks purposes within their district or to supply sea water to any establishments or houses within their district :

(10) The articles of agreement dated the tenth day of December eighteen hundred and sixty-three and made between the Corporation of the one part and the local board of health for the district of Poulton Bare and Torrisholme (the predecessors in title of the Morecambe Corporation) of the other part and scheduled to the Lancaster Local Board of Health Act 1864 and the articles of agreement dated the twenty-fourth day of June eighteen hundred and seventy-six and made between the same parties and scheduled to the Lancaster Water and Improvement Act 1876 and an agreement dated the eleventh-day of November nineteen hundred and one and made between the Corporation of the one part and the urban district council of and for the urban district of Morecambe (the predecessors in title of the Morecambe Corporation) of the other part and any other agreements between the Corporation and the Morecambe Corporation with respect to the supply of water in force at the commencement of this section shall be determined and cease to operate and have effect :

(11) In case any dispute question or difference shall at any time arise between the Corporation and the Morecambe Corporation touching the construction meaning or effect of this section or the respective rights or obligations of the Corporation and the Morecambe Corporation thereunder then and in every such case such dispute question or difference shall be referred to the Local Government Board on the application of either party.

36. For the protection of the Heysham Urban District Council (in this section called "the council") the following provisions shall apply and have effect as from the thirtieth day of September nineteen hundred and eighteen except so far as may be otherwise agreed between the Corporation and the council (that is to say) :—

(1) The agreement dated the twenty-second day of October eighteen hundred and ninety-eight and made between

Supply of
water to
Heysham
Urban
District
Council.

the Corporation of the one part and the Lancaster Rural District Council of the other part and the agreement supplemental thereto dated the nineteenth day of May nineteen hundred and four and made between the Corporation of the one part and the council of the other part shall be annulled without prejudice to the rights of either party which may then have accrued :

- (2) The Corporation shall supply to the council and the council shall take from the Corporation in perpetuity subject to the terms and conditions expressed in this section all the water which shall be required by the council either for their own purposes or for the supply to consumers within the urban district of Heysham but not exceeding the maximum quantity hereinafter provided or (as the case may be) any increased maximum substituted therefor in pursuance of the provisions of this section :
- (3) The maximum quantity of water to be supplied under this section in any day of twenty-four hours shall be three hundred thousand gallons Provided that if the council shall at any time deem it necessary for the purposes aforesaid that the quantity of water to be supplied should be increased beyond the said maximum or any higher maximum for the time being substituted therefor they may by not less than twelve months' notice in writing to the Corporation expiring on the thirty-first day of March in any year require an increase of the maximum and thereupon as from the expiration of the said notice such increase shall be made in the maximum for the time being in force as may be determined by agreement between the parties hereto or failing agreement by arbitration in manner hereinafter provided :
- (4) If at any time the quantity of water available for enabling the Corporation to meet the requirements of the inhabitants of the borough and to fulfil all their other obligations for the time being for the supply of water (including their obligations under this section) shall be insufficient for such purposes and in consequence thereof the Corporation shall reduce the quantity of water supplied by them to

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consumers within the borough the Corporation shall be entitled to make a reduction in the quantity of water which the Corporation shall for the time being be under obligation to supply under this section corresponding as nearly as practicable with the reduction made to such consumers within the borough :

- (5) For the purpose of giving a supply of water under this section and providing for the measurement thereof the Corporation shall maintain at the reasonable expense of the council the present existing main and meter provided in pursuance of the said agreement of the twenty-second day of October eighteen hundred and ninety-eight or at the like expense shall provide and maintain such substituted main and meter or mains and meters as may be reasonably necessary to enable the Corporation to afford and to provide for the measurement of any supply for the time being required to be made in pursuance of the provisions of this section and the council shall maintain the present meter chamber and keep the same in proper repair and condition to the reasonable satisfaction of the Corporation who shall be entitled at all times to have access thereto The said existing main meter and meter chamber and any mains or meters provided hereunder at the council's expense shall be the property of the council and the council shall afford to the Corporation all such reasonable facilities within their powers as the Corporation may require for the purposes of this section :
- (6) If from any cause any meter shall cease during any period to indicate correctly the quantity of water passing through it the said quantity shall be taken as being the same as the quantity indicated by the same meter as having passed through it during the corresponding period in the then next preceding year unless in the meantime the maximum quantity to be supplied shall have been increased in which case the quantity indicated as aforesaid shall for the purpose of this provision be deemed to have been increased in the same ratio as the said maximum shall have been increased :

(7) The price to be paid to the Corporation by the council for the supply of water under this section shall be at the rate of eightpence per thousand gallons of water supplied. Provided that either the Corporation or the council by giving not less than six months' notice in writing to the other expiring at the end of a period of ten years from the thirtieth day of September nineteen hundred and eighteen and again by similar notice expiring at the end of each subsequently recurring period of ten years may require a revision of the said price or of any price for the time being substituted therefor under this proviso and thereupon as from the expiration of the said notice the price to be paid to the Corporation by the council as aforesaid shall be at the rate of such sum per thousand gallons of water supplied as may be agreed upon between the Corporation and the council or failing agreement determined by arbitration in manner hereinafter provided:

(8) The Corporation shall deliver quarterly to the council accounts of the sums of money payable to the Corporation by the council for water supplied under this section for each quarter ending on each of the four usual quarter days in each year and if any payment shall not be made within fourteen days after the account therefor shall have been so delivered the council shall pay to the Corporation interest thereon from the date of the delivery of the account therefor until payment at the rate of five per centum per annum and (unless any such account is bonâ fide disputed by the council) in case any such payment for water supplied shall not be made within one month next after the expiration of the said fourteen days it shall be lawful for the Corporation to stop the supply of water to the council until the same shall have been fully paid:

(9) The Corporation shall not be liable for any interruption in the supply of water under this section if such interruption is caused by the exercise of the power of stopping the supply under subsection (8) of this section or by frost unusual drought or other unavoidable cause or accident:

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(10) In case any dispute question or difference shall at any time arise between the Corporation and the council touching the construction meaning or effect of this section or the respective rights or obligations of the Corporation and the council thereunder then and in every such case such dispute question or difference shall be referred to the arbitration of a single arbitrator agreed upon between the Corporation and the council or failing such agreement appointed by the Local Government Board on the application of either party.

Supply of
water to
Lancaster
Rural Dis-
trict Council.

37. Except so far as may be otherwise agreed in writing between the Corporation and the Lancaster Rural District Council (who are in this section called "the council") under their respective common seals the following provisions shall apply and have effect (that is to say):—

- (1) The Corporation shall if and when so required by the council supply in perpetuity water in bulk to the council at such point or points as hereinafter provided and in such quantity or quantities per day of twenty-four hours as may from time to time be required by the council for use within any part of the district of the council Provided always that the council shall give to the Corporation not less than six months' notice in writing before requiring a supply or an additional supply of water under this section unless for the purpose of giving such supply or additional supply no works or additional works will be required in which case they shall give not less than three months' notice in writing:
- (2) The supply or supplies shall be given at such point or points in or adjoining any works from time to time of the Corporation as the council and the Corporation may agree or as failing agreement may be determined as hereinafter provided:
- (3) The price to be paid by the council to the Corporation for a supply of water under this section shall be at the rate of eightpence for each thousand gallons of water supplied under the provisions of this section until a revision of such price shall take place as hereinafter provided:

Provided that if in any one day a less quantity of water than is equal to three-fourths of the quantity for the time being required to be supplied shall be taken the quantity equal to such three-fourths shall be deemed to have been supplied and payment at the rate for the time being payable under the provisions of this subsection shall be made accordingly :

- (4) Either the Corporation or the council by giving not less than six months' notice in writing to the other to expire not earlier than ten years from the thirty-first day of December nineteen hundred and eighteen and again from time to time by similar notice to expire not earlier than twenty years after the last preceding notice may require a revision of the said price or of any price for the time being substituted therefor under this subsection and thereupon as from the expiration of any such notice the price to be paid to the Corporation by the council shall be a price failing agreement to be determined by an arbitrator to be appointed unless otherwise agreed by the Local Government Board :
- (5) The Corporation shall if and so often as may be so required by the council after a supply of water shall have been required under this section allow the council's duly authorised officers or representatives to inspect the water accounts of the Corporation at any reasonable times :
- (6) If at any time the quantity of water available for enabling the Corporation to meet the requirements of the inhabitants of the borough and to fulfil all their other obligations for the time being for the supply of water (including their obligations under this section) shall be insufficient for such purposes and in consequence thereof the Corporation shall reduce the quantity of water supplied by them to consumers within the borough the Corporation shall be entitled to make a reduction in the quantity of water which the Corporation shall for the time being be under obligation to supply under this section corresponding as nearly as practicable with the reduction made to such consumers within the borough :

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- (7) For the purpose of giving a supply of water in pursuance of this section and of providing for the measurement thereof the Corporation at the reasonable expense of the council shall provide and maintain such connexions with their works and such mains meters and apparatus as may be reasonably necessary. The Corporation and the council shall be entitled at all times to have access to such meters :
- (8) If from any cause any meter shall cease during any period to indicate correctly the quantity of water passing through it the quantity shall be taken as being the same as the quantity indicated by the same meter as having passed through during the corresponding period in the then next preceding year unless in the meantime an increase in the quantity to be supplied through such meter shall have been required by the council in which case the quantity indicated as aforesaid shall for the purpose of this provision be deemed to have been increased in the same ratio as the quantity to be so supplied shall have been increased :
- (9) The Corporation shall deliver quarterly to the council accounts of the sums of money payable to the Corporation by the council for water supplied under this section for each quarter ending on each of the four usual quarter days in each year and the council shall pay each such account (unless the same be bonâ fide disputed) to the Corporation within seven days after the next ordinary meeting of the council after the delivery thereof together with (in case payment shall not be made as aforesaid) interest thereon from the date of delivery of the account therefor until payment at the rate of five per centum per annum :
- (10) The Corporation shall not be liable for any interruption in the supply of water under this section if such interruption is caused by frost unusual drought or other unavoidable cause or accident :
- (11) The Corporation on the one hand and the council on the other hand may enter into and fulfil contracts and agreements for or in relation to the supply of water under this section or otherwise and the acquisition of the land required for the purposes of such

supply and the execution either jointly or otherwise of the works necessary for such supply and for such several purposes or any of them the council may levy any rate and apply or raise any moneys they are authorised to levy apply or raise for the like purposes under the Public Health Acts or otherwise and may exercise all or any of their powers under the said Acts or otherwise in relation to the supply of water:

(12) Nothing in this Act shall prejudicially affect the several agreements dated the fifth day of May eighteen hundred and ninety-four twenty-fifth day of February eighteen hundred and ninety-nine fourteenth day of July nineteen hundred eighth day of February nineteen hundred and two twenty-sixth day of May nineteen hundred and two thirtieth day of May nineteen hundred and three twentieth day of May nineteen hundred and five and twenty-first day of September nineteen hundred and five and made between the council or their predecessors of the one part and the Corporation of the other part for the supply of water for the townships or places of Slyne Hest-Bank and Bolton-le-Sands within the district of the council without the consent in writing of the council:

(13) In case any dispute question or difference shall at any time arise between the Corporation and the council touching the construction meaning or effect of this section or the respective rights or obligations of the Corporation and the council thereunder then and in every such case such dispute question or difference shall be referred to the Local Government Board on the application of either party.

38. Except so far as may be otherwise agreed in writing between the Corporation and the Lunesdale Rural District Council (in this section called "the Lunesdale Council") under their respective common seals the provisions of the section of this Act of which the marginal note is "Supply of water to Lancaster Rural District Council" shall apply to the Lunesdale Council and shall take effect for their protection and benefit as if therein there were substituted for "the council" "the Lunesdale Council" and for "the district of the council" "the parish of Quernmore within the district of the Lunesdale Council."

Supply of
water to
Lunesdale
District
Council.

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Supply of
water to
Lancaster
County
Asylum.

39. Except so far as may be otherwise agreed between the Corporation and the visiting committee of the Lancaster County Asylum (who are in this section called "the committee") the following provisions shall apply and have effect as from the thirtieth day of September nineteen hundred and eighteen (that is to say):—

- (1) The agreement dated the first day of November eighteen hundred and eighty-seven and made between the Corporation of the one part and William Thomas Sharp on behalf of the visiting justices of the county lunatic asylum at Lancaster of the other part and the agreements supplemental thereto shall be annulled without prejudice to the rights of either party which may then have accrued:
- (2) The Corporation shall supply such quantity of water as the committee may from time to time require for the buildings or premises for the time being comprising or forming part of the said asylum upon and subject to the terms and conditions expressed in this section:
- (3) The supply shall be given and measured at the existing meter provided in pursuance of the said agreement or at such meter placed in the existing meter house as the Corporation may reasonably require to be substituted therefor (such substituted meter to be provided by the Corporation) and the existing meter house and the existing or any substituted meter shall be maintained by the Corporation. The Corporation shall at all times have free access to the meter house and meter:
- (4) Subject to the provisions of the next succeeding subsection of this section the committee shall pay for the supply of water under this section water rates at the same rate per centum upon the rateable value of the asylum as that paid in respect of an ordinary supply of water for domestic purposes such rates being payable quarterly in advance on the first days of October January April and July respectively. Provided that if in any quarter the number of gallons of water supplied in such quarter as measured at the said meter shall exceed a quantity equal to the average number of inmates per day in the asylum during such quarter multiplied by the number of days in such

quarter multiplied by thirty-two the committee at the end of the quarter shall in addition to the said rate pay for the quantity so in excess at the rates for the time being payable for the supply for other than domestic purposes of a quantity of water corresponding with such excess :

- (5) The committee may if they think fit by not less than six months' previous notice in writing to the Corporation to expire at the end of any quarter require the asylum to be and in such case and from and after the expiration of any such notice the asylum shall be wholly supplied with water at the rates from time to time payable for the supply of water for other than domestic purposes for a corresponding quantity of water and any liability of the committee to pay any rate as for a supply of water for domestic purposes shall thereafter cease and determine :

Provided that if the committee give notice under this subsection they may at any time thereafter by not less than six months' previous notice in writing to the Corporation to expire at the end of any quarter cancel the notice so given and on the expiration of such period of six months the first notice shall be deemed to be cancelled without prejudice to the rights of either party which may then have accrued :

- (6) For the purposes of this section any quantity of water supplied by the Corporation thereunder shall be deemed to be reduced by any quantity of water which may have been used for the purposes or with the object of extinguishing fire at the asylum :
- (7) If at any time the quantity of water available for enabling the Corporation to meet the requirements of the inhabitants of the borough and to fulfil all their other obligations for the time being for the supply of water (including their obligations under this section) shall be insufficient for such purposes and in consequence thereof the Corporation shall reduce the quantity of water supplied by them to other consumers within the borough the Corporation shall be entitled to make a corresponding reduction in the quantity of water supplied under this section :

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- (8) Subject to the provisions of this section the provisions relative to supply of water and to the prevention of waste misuse undue consumption or contamination of water contained in the recited Acts and in this Act and in the Acts incorporated therewith shall apply to the supply of water under the provisions of this section :
- (9) Provided that the Corporation shall not be liable to any penalty for any failure to supply that may arise by reason of any necessary stopping or interruption of the supply during any repairs of the works or by reason of the supply being stopped or interrupted from frost or drought or from any unavoidable or accidental failure of the sources or means of supply to the Corporation or by reason of any other unavoidable cause or accident :
- (10) Any difference arising between the Corporation and the committee under this section shall be referred to and determined by an arbitrator to be appointed by agreement between them or in default of agreement by the Local Government Board on the application of either party.

Works to form part of water undertaking.

40. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Part of this Act shall for all purposes be deemed part of the water undertaking of the Corporation as authorised under the recited Acts.

PART IV.

STREET IMPROVEMENTS.

Power to make street improvements.

41.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary or proper works and conveniences connected therewith or incident thereto.

(2) The works hereinbefore referred to and authorised by this Part of this Act will be situate in the borough and are—

Work No. 1 A widening of Chapel Street on its north-eastern side between North Road and a point twenty-six yards or thereabout north of the north wall of St. John's Churchyard :

Work No. 2 A widening of Cheapside on its east side and of St. Nicholas Street on its north side between Lower Church Street and a point in St. Nicholas Street fifty yards or thereabout west of the west side of the entrance to the Boars Head Yard: A.D. 1918.

Work No. 3 A widening of St. Nicholas Street on its south and south-east sides between points respectively thirty-four yards or thereabout and one hundred and eleven yards or thereabout east of the east side of Penny Street:

Work No. 4 A widening of Damside Street on its north side from Dye House Lane to Fleet Square and on the south side from the south end of Wood Street to a point forty-seven yards or thereabout east of New Road:

Work No. 5 A widening of New Street on its east side from the north side of the General Post Office to the south end of New Street:

Work No. 6 A widening of Spring Garden Street on its north side between Penny Street and King Street:

Work No. 7 A widening of Moor Lane on its south-west side between a point twenty-three yards or thereabout east of the east side of Great John Street and Bryer Street.

42. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards. Limits of deviation.

43.—(1) Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water electricity or gas to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act: Power to alter steps areas pipes &c.

A.D. 1918.

(2) Provided that the Corporation shall not raise sink or otherwise alter or interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act.

Power to alter streets and execute works for protection of buildings.

44. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Part of this Act may execute or do any of the following works or things (viz.) :—

They may—

- (a) make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works;
- (b) execute any works for the protection of any adjoining land or buildings;
- (c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and
- (d) raise lower alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer.

Incorporation of sections of Act of 1900.

45.—(1) The following sections of the Lancaster Corporation Act 1900 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Part of this Act and be incorporated with and form part of this Act (that is to say):—

Section 45 (Provisions as to St. John's Churchyard); and
Section 60 (Owners may be required to sell parts only of certain lands and buildings).

(2) Provided that the said section 60 shall for the purposes of such incorporation apply in respect of the premises numbered 2 3 44 70 71 and 76 on the deposited plans for the borough and those premises shall be the scheduled properties within the meaning of that section.

46. Notwithstanding anything shown upon the deposited plans or contained in this Act the Corporation shall not enter upon take or use either of the premises numbered respectively on the deposited plans 70 and 71 in the parish and borough of Lancaster except with the consent in writing of the Postmaster-General and unless the Corporation acquire all the said premises.

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For further protection of Postmaster-General.

PART V.

SANITARY PROVISIONS.

47.—(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.

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

Provisions as to combined drainage for two or more houses.

49. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost of not exceeding twenty pounds to cause the same to be repaired and the expenses of such

As to repair of private drains.

A.D. 1918. repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Disinfection
in case of
tuberculosis.

50.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation or any boat lying in any river dock canal or other water and used for the like purpose) within the borough would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer:

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the town clerk and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a fine not exceeding two pounds and if the offence is a continuing one to a daily fine not exceeding one pound.

(2)—(a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a fine not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owner free of charge.

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

51.—(1) If the medical officer or the inspector of nuisances has reasonable cause to believe that any house is infested with vermin he 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.

Houses infested with vermin to be cleansed.

(2) Where on the certificate of the medical officer or inspector of nuisances 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 wall paper or other covering 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 fine 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 them-

A.D. 1918. selves 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 hereinafter 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 fine not exceeding two pounds and to a daily fine not exceeding one pound.

(5) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given or any work done by the Corporation was reasonable and 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 in the circumstances of the case.

(6) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation within the borough or any boat lying in any river dock canal or other water within the borough and used for the like purpose.

Power to enter premises.

52. 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.

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

53.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the town hall and by the distribution of hand bills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

As to appeal.

54. Any person deeming himself aggrieved by any order determination or requirement or the withholding of any approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Part of this Act or by any

conviction or order by a court of summary jurisdiction under any of those provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal. A.D. 1918.

55. The Corporation may appoint and pay as many inspectors of nuisances as may in their judgment be necessary for the proper execution of the provisions of the Public Health Acts and of the local Acts in force in the borough Provided that the Lancashire County Council shall not be required to pay any part of the salary of more than one inspector of nuisances. Additional inspectors of nuisances.

PART VI.

FINANCE.

56.—(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 in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenue funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the fourth column thereof (namely):— Power to borrow.

1	2	3	4
Purpose.	Amount.	Charge.	Period for repayment.
	£		
(a) For and in connection with the purchase of land for and the construction of the waterworks authorised by this Act.	685,000	The revenue of the water undertaking of the Corporation the borough fund and the borough rate.	Fifty-five years from the date or dates of borrowing.
(b) For and in connection with the purchase of land for and the execution of the street improvements authorised by this Act.	46,548	The borough fund and the borough rate.	Fifty-five years from the date or dates of borrowing.

A.D. 1918.

1	2	3	4
Purpose.	Amount.	Charge.	Period for repayment.
(c) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	The borough fund and the borough rate.	Five years from the passing of this Act.

(2)—(a) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Local Government Board.

(c) 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 Local Government Board.

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

(4) Notwithstanding anything contained in this or any other Act it shall not be obligatory upon the Corporation to make the first payment to the sinking fund or to pay the first instalment of principal for the repayment of money borrowed for the purpose (a) mentioned in subsection (1) of this section until the completion of the work for or in connection with which the money is borrowed.

Restriction on borrowing.

57. Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required to pay the costs charges and expenses of this Act as hereinafter defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Section 234 of Public Health Act 1875 not to apply.

58. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount

which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. A.D. 1918.

59.—(1) The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others: Mode of raising money.

(2) Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act.

60. Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):— Provisions of Public Health Act 1875 as to mortgages to apply.

Section 236 Form of mortgage;

Section 237 Register of mortgages;

Section 238 Transfer of mortgages.

61. The Corporation shall pay off all the moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months from the date of borrowing. Mode of payment off of money borrowed.

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

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

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(b) by payment to the fund throughout the prescribed period of such equal yearly or half-yearly sums as with accumulations at a rate not exceeding three pounds per centum per annum or such other rate as the Local Government Board may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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

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

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

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

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

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

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

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

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of

A.D. 1918. which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Appointment
of receiver.

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

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

Temporary
borrowing.

64.—(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 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 or reserve funds which they may have on hand crediting the said sinking funds or reserve 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 : A.D. 1918.

(b) the Local Government Board may make such investigation 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 nineteen hundred and nineteen unless they shall have been continued by Act of Parliament or by an order made by the Local Government Board which order that Board are hereby empowered to make and in the event of that Board making any such order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

65. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed under the section of this Act whereof the marginal note is "Temporary borrowing") to which capital is properly applicable. Application of money borrowed.

66.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

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

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

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

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

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to public inspection during office hours at the said office without fee or reward and the treasurer or other the person having the custody of the same refusing to allow such inspection shall be liable to a fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his rights and interest

therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the second schedule or to the like effect. A.D. 1918.

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

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

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

67.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of— Power to use sinking fund instead of borrowing.

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

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(b) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund :

(b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund :

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Power to
reborrow.

68.—(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) The following provisions are hereby repealed but without prejudice to anything done or suffered to be done thereunder respectively (namely):—

Article X. (relating to the reborrowing of money) of the Lancaster Order 1895;

Section 118 (Power to reborrow) of the Lancaster Corporation Act 1900;

Article XIII. (Power to reborrow) of the Lancaster Order 1911; and

Article IV. of the Lancaster Order 1916 so far as it applies to the moneys borrowed under Articles I. and II. of that Order the provisions of Article XIII. of the Lancaster Order 1911.

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Power to invest all sinking funds in statutory securities.

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

Returns as to sinking funds.

70.—(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 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. A.D. 1918.

71. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for a loan may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. Corporation not to regard trusts.

72. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Local Government Board shall in each case prescribe. Period for repayment of loans under Municipal Corporations Act 1882.

73.—(1) Section 104 (Application of water revenue) of the Lancaster Corporation Act 1880 shall apply and have effect as if the maximum amount of the reserve fund thereby authorised had been one-tenth of all capital for the time being expended by the Corporation in connection with their water undertaking instead of twelve thousand pounds. Reserve fund and application of revenue.

(2) The Corporation shall be at liberty in any year ending on the thirty-first day of March to charge to revenue account and to set aside or carry from the revenue of their water undertaking to reserve fund any sums not exceeding in the aggregate (subject as hereinafter mentioned) two per. centum upon the amount of the aggregate capital expenditure of the Corporation upon the said undertaking up to the thirtieth day of September

A.D. 1918. of such year and also to carry from the revenue of their water undertaking to the borough fund any sums that may be necessary in order to repay to that fund any sum which shall have been paid out of that fund for the purposes of the said undertaking after the thirtieth day of September nineteen hundred and eighteen but the limitation provided in this subsection upon the amount that may be carried to reserve fund shall not apply until after the thirty-first day of March nineteen hundred and twenty-two nor to any sums that it may be necessary to carry from the said revenue in order to make up any sum by which the amounts set aside or carried to reserve fund from the said revenue in any year after the thirtieth day of September nineteen hundred and eighteen shall have fallen short of the sum of two per centum upon the amount of the aggregate capital expenditure of the Corporation upon the said undertaking for the time being.

(3) Any balance of the revenue of the said undertaking (including the annual proceeds of the reserve fund when such fund amounts to the authorised maximum) after payment thereout of any moneys which shall for the time being be payable out of the same under any Acts relating to the said undertaking and of any sums which the Corporation may set aside or carry to reserve fund or the borough fund (not exceeding the sum permissible under this section) shall be carried forward to the revenue account of such undertaking for the next succeeding year and shall whenever and so soon as there shall be an amount sufficient for the purpose be applied in the reduction of charges for water supplied by the Corporation to consumers within the borough and to the persons to whom the Corporation may for the time being be supplying water.

(4) The Corporation shall not except as provided by this section carry any sums from the revenue of their water undertaking to the borough fund and the provisions of the said section 104 of the Lancaster Corporation Act 1880 requiring the Corporation to carry to that fund the balance of such revenue remaining in any year and the annual proceeds of the reserve fund are hereby repealed.

Expenses
of execution
of Act.

74. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund or

out of the revenue of their water undertaking as the Corporation having regard to the nature of the expenditure shall deem just. A.D. 1918.

PART VII.

RATING.

75. This Part of this Act shall come into operation as from the thirty-first day of March nineteen hundred and nineteen. Date of commencement of this Part of Act.

76. The following provisions are hereby repealed (namely):— Repeal of certain sections of local Acts.

(1) Sections 26 28 30 31 33 34 and 35 of 5 George IV. cap. LXVI. intituled “An Act for lighting watching paving cleansing and improving the streets highways and places within the borough and town of Lancaster in the county palatine of Lancaster”;

(2) Section 59 and the proviso to section 75 of the Lancaster Corporation Act 1880;

(3) The provisos to section 97 of the Lancaster Corporation Act 1888;

(4) The proviso to Article IV. of the Lancaster Order 1894;

(5) The proviso to Article IV. of the Lancaster Order 1895;

(6) Articles I. and VIII. and subdivision (2) of Article V. of the Lancaster Order 1911; and

(7) The proviso to Article I. of the Lancaster Order 1916.

77.—(1) All expenses of the Corporation which if this Act had not been passed would have been payable out of and all rates charges damages penalties and other moneys which if this Act had not been passed would have been paid or carried to the credit of the district fund and general district rate or either of them shall be charged on and defrayed out of or paid and carried to the credit of the borough fund and the borough rate and in any case for which no specific provision is made in this Act any reference to the district fund or general district rate in any Act or provisional order in force in the borough or in any mortgage of or charge on such fund or rate granted by the Corporation in pursuance of the provisions of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate. All expenses of Corporation to be paid out of borough rate.

A.D. 1918.

(2) The district fund of the borough shall be closed and any balance which at the commencement of this Part of this Act is standing to the credit or to the debit of such district fund or the general district rate of the borough respectively shall from and after that date be transferred to the credit or the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connexion with the said district fund or of the said general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

Contribution to borough rate to be paid out of poor rate.

78. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 of the Municipal Corporations Act 1882 shall apply to such contribution.

Differential poor rate in certain cases.

79. The provisions contained in this section shall have effect with respect to the poor rates (including therein the borough rates) to be hereafter made and levied by the overseers (that is to say):—

- (1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the poor rates in respect of such hereditaments on the full rateable value thereof but shall be liable to pay in each year only two-thirds of the rate in the pound payable in respect of hereditaments not within the provisions of this section:

Provided that during the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay in each year two-fifths only of the rate in the pound payable in respect of hereditaments not within the provisions of this section.

(2) Nothing in this section shall in any way affect—

A.D. 1918.

(a) the operation of the Agricultural Rates Act 1896 save as in this section is expressly provided or the payment of the sum certified by the Local Government Board as the amount of the share of the annual grant payable under that Act out of the local taxation account to the Corporation; or

(b) the amount of the contribution for any purposes to be made by the parish out of the poor rate; or

(c) the calculation of the amount in the pound of the part of the poor rate levied for the purposes of the relief of the poor and other expenses of the guardians county contributions and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate.

PART VIII.

MISCELLANEOUS PROVISIONS.

80.—(1) Notwithstanding anything contained in the recited Acts the Corporation with the approval of the Local Government Board may sell lease and dispose of all or any part of the lands now vested in them by virtue of the Act 36 George III. cap. XI. entitled “An Act for embanking draining and otherwise improving a certain stinted pasture called Lancaster Marsh in the county palatine of Lancaster.”

Sale of the Marsh.

(2) Provided that the Corporation shall apply the proceeds of the sale of not less than thirty acres of such lands or the rent derived from the lease of not less than thirty acres thereof towards the provision of a recreation ground in or in the vicinity of the borough or towards the laying out and improvement of recreation grounds and pending the application of the proceeds of such sale they shall be invested in statutory securities and the income derived from such securities shall be applied in the same manner as the said rent.

81.—(1) The agreement dated the third day of December nineteen hundred and twelve and made between the Corporation of the one part and Storey Brothers and Company Limited of the other part whereof a copy is set forth in the third schedule is hereby confirmed and made binding on the parties thereto and

Closing of White Cross Street and confirmation of agreement.

A.D. 1918. — on the successors in title of the said Storey Brothers and Company Limited to the lands referred to in that agreement.

(2) All public rights of way over White Cross Street referred to in the agreement mentioned in subsection (1) of this section are hereby extinguished.

(3) Provided that notwithstanding the closing of White Cross Street the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said street any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General on or under the same and the Corporation or the said company shall pay to the Postmaster-General the expenses incurred by him of and incidental to such removal and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

Confirmation
of agreement
for transfer
of St.
George's
Quay.

82. The agreement dated the sixth day of November nineteen hundred and one and made between the trustees appointed under and by virtue of the several Acts of Parliament for improving the navigation of the River Lune of the first part the commissioners and trustees for executing the powers of the said Acts of the second part and the Corporation of the third part whereof a copy is set forth in the fourth schedule is hereby confirmed and made binding on the parties thereto and their successors and may and shall be carried into effect subject to such modifications (if any) as may be agreed in writing between the said trustees the said commissioners and the Corporation and any acts done before the passing of this Act to carry the said agreement into effect are hereby sanctioned and confirmed.

Poor House
Green.

83.—(1) The Corporation and the trustees of the charity known as Brockbanks Annuities their successors and assigns or other the owners for the time being of the lands in the borough known as Poor House Green (all of whom are in this section referred to as "the trustees") may enter into and carry into effect agreements in relation to the following matters (namely):—

- (a) The transfer to and vesting in the Corporation of lands in the borough belonging to the trustees:
- (b) The use of the lands transferred or belonging to the Corporation or retained by the trustees:
- (c) The laying out and construction of roads on or adjoining the trustees' lands and the contribution towards the

expense thereof by the contracting parties and their successors in title: A.D. 1918

(d) The payments to be made by the contracting parties in respect of the matters aforesaid.

(2) Provided that nothing contained in this section shall relieve the trustees of the necessity to obtain such consent of the Charity Commissioners under the Charitable Trusts Acts 1853 to 1894 as would have been necessary if the provisions of this section had not been enacted.

84. All consents given by the Corporation under the provisions of this Act or of any local Act provisional order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk. Consent of Corporation to be in writing.

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

86. 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 (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) 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 In executing works for owner Corporation liable for negligence only.

A.D. 1918. 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.

Apportionment of expenses in case of joint owners.

87. Where under the provisions of this Act or any local Act in force in the borough 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.

As to notices.

88.—(1) Where any notice or demand under this Act or under any local Act provisional order byelaw or regulation for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act provisional order byelaw or regulation for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served:

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

Application of Arbitration Act 1889.

89. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Application of section 265 of Public Health Act 1875.

90. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of the Corporation's

water undertaking and of this Act as if the same were re-enacted herein. A.D. 1918.

91.—(1) Save as otherwise by this Act expressly provided all offences against this Act and all fines forfeitures penalties costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Recovery of fines and expenses.

(2) Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

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

93. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough. Informations by whom to be laid.

94.—(1) 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. Saving for indictment &c.

(2) Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

95.—(1) All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed. Powers of Act cumulative.

A.D. 1918.

(2) Provided that no person shall incur more than one fine (other than a daily fine for a continuing offence) for the commission of the same offence.

Application
of provisions
of Act of
1900.

96. The following provisions of the Lancaster Corporation Act 1900 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act (namely):—

Section 109 Inquiries by Local Government Board;

Section 128 Penalties to be paid over to the accountant;

Section 129 Compensation how to be determined;.

Section 131 Damages and charges to be settled by justices;
and

Section 132 Judges not disqualified.

Saving
rights of
Duchy of
Lancaster.

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

Crown
rights.

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

Costs of Act.

99. 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 of the House of Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act. A.D. 1918.

THE FIRST SCHEDULE.

Referred to in Section 20.

PART I.

Number of Section.	Marginal Note.
LANCASTER WATERWORKS AND GAS ACT 1852.	
9	Local Board to give notice of daily quantity required.
10	Capacity of compensation reservoir.
11	Limiting the daily quantity to be drawn off.
13	Except as herein provided Local Board to regulate the flow from the compensation reservoir.
14	Confirming agreement of 12th May 1852.
16	Saving to Messrs. Morgan & Lowe.
LANCASTER LOCAL BOARD OF HEALTH ACT 1864.	
16	Provision for determining quantity of water to be taken by Board.
17	Water capacity of compensation reservoir.
18	Provision for supply of water to reservoir during enlargement.
19	Limit of water to be drawn off by Board from streams specified in this Act &c.
20	Compensation reservoir to be kept clean.
25	Nothing to prejudice agreement between Board and millowners confirmed by Act of 1852.
26	Millowners not entitled to further compensation if Board takes additional streams to meet deficiency.
LANCASTER WATER AND IMPROVEMENT ACT 1876.	
14	Repeal of limit of daily quantities.
16	Further protection of millowners.
LANCASTER CORPORATION ACT 1880.	
66	Amendment of 39 and 40 Vict. c. clxxxvi. with respect to gauge basins.
LANCASTER CORPORATION ACT 1888.	
45	Agreements as to Abbeystead compensation reservoir.

A.D. 1918.

PART II.

Number of Section.	Marginal Note.
8 12	<p style="text-align: center;">LANCASTER WATERWORKS AND GAS ACT 1852.</p> <p>Provision to be made for securing a supply of water to certain mills. Right of inspection of millowners.</p>
15 21 22	<p style="text-align: center;">LANCASTER LOCAL BOARD OF HEALTH ACT 1864.</p> <p>Obligation on board to enlarge compensation reservoir. Board under 15 & 16 Vict. c. lxxvii. to provide water gauge. Power to millowners to ascertain quantity so drawn off.</p>
15 17 18 19	<p style="text-align: center;">LANCASTER WATER AND IMPROVEMENT ACT 1876.</p> <p>Enlargement of compensation reservoir. As to management of flow of water from Abbeystead Reservoir. Gauging of water. Protection of landowners entitled to water for agricultural purposes.</p>

THE SECOND SCHEDULE.

Referred to in Section 66.

FORM OF MORTGAGE.

BOROUGH OF LANCASTER.

By virtue of the Lancaster Corporation Act 1918 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Lancaster (hereinafter referred to as "the Corporation") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum

such interest to be paid half-yearly on the _____ day of _____ A.D. 1918.
and the _____ day of _____ in each year

And it is hereby agreed that the principal sum shall be repaid at the
Town Hall in the said borough [(subject as hereinafter provided) on
the _____ day of _____ nineteen hundred and _____]
[by _____]:

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

In witness whereof the Corporation have caused their corporate
seal to be hereunto affixed this _____ day of _____
nineteen hundred and _____

The Endorsement within referred to.

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

Dated this _____ day of _____ nineteen hundred
and _____

FORM OF TRANSFER OF MORTGAGE.

I (the within-named) _____
of _____ in consideration
of the sum of _____ pounds paid to me
by _____ of _____ (hereinafter
referred to as "the transferee") do hereby transfer to the transferee
(his) executors administrators and assigns (the within-written security)
(the mortgage number _____ of the revenues of the mayor
aldermen and burgesses of the borough of Lancaster bearing date the
_____ day of _____) and all my right and

A.D. 1918. interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of nineteen hundred
and

THE THIRD SCHEDULE.

Referred to in Section 81.

AGREEMENT RELATING TO THE CLOSING OF WHITE CROSS
STREET.

AN AGREEMENT made the third day of December one thousand nine hundred and twelve Between THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF LANCASTER (hereinafter called "the Corporation") of the one part and STOREY BROTHERS AND COMPANY LIMITED whose registered office is situate at Lancaster in the county of Lancaster (hereinafter called "the company") of the other part.

WHEREAS a street called White Cross Street in Lancaster shown on the plan hereto annexed leads from the main thoroughfare called South Road to the company's property known as White Cross Mills and along the same White Cross Street there is a public footpath running along the said street and from there by way of an inclined footpath coloured blue on the said plan on to the towing path along the Preston and Kendal Canal :

And whereas the company is desirous of having the said White Cross Street closed and the said public footpath diverted and is also desirous of acquiring the land forming the said White Cross Street and with that object in view have approached the Corporation :

And whereas the Corporation has agreed to the closing of the said White Cross Street upon the terms and conditions hereinafter appearing :

Now it is hereby agreed by and between the said parties hereto as follows :—

1. The company shall forthwith at their sole expense construct and arrange for the maintenance in perpetuity of the inclined footpath coloured pink on the said plan and in accordance with the cross sections and elevations set out on the said plan and shall also at the like expense remove the two lamp posts in White Cross Street and shall re-erect the same on the canal towing path at the points marked C and D on the said plan and for that purpose shall lay all necessary gas pipes and

make all necessary connexions to carry out the work The company shall also arrange for the erection of a gateway at the point marked A on the said plan to the satisfaction of the Corporation. A.D. 1918.

2. So soon as the inclined footpath mentioned in the last paragraph shall have been constructed and be ready for public use and the said lamp posts shall have been removed and the work in connexion with the construction of the said inclined footpath and the removal of the said lamp posts shall have been done to the satisfaction of the borough surveyor of the Corporation the company shall be at liberty to remove the inclined footpath coloured blue on the said plan and to build up the wall where the said footpath goes through the same and to take possession of and close the said White Cross Street.

3. All sewerage gas and water pipes under and in the said White Cross Street shall be the property of the company as from the date of closing the said White Cross Street.

4. If the company shall at any time hereafter build up to the entrance of the said White Cross Street the gas and water meters in White Cross Mills shall at the expense of the company be moved as near as possible to the entrance of the said White Cross Mills and there placed in some convenient position.

5. If the company shall at any time hereafter build up to the end of White Cross Street where it meets the high road the corner of the company's wall on the south side of the said White Cross Street shall be rounded off and the company shall also when erecting any entrance to the White Cross Mills adjoining the bridge recently erected over the said canal erect such entrance in conformity and so as to harmonise with the design and architecture of the said bridge.

6. If the company shall at any time hereafter erect any buildings on their property formerly known as the Springfield Barracks adjoining the said South Road such buildings shall not be erected nearer the said South Road than the building line shown on the said plan and the open space between the building line and the said South Road (except where used for bay windows steps or porticoes) shall never hereafter be built upon except with the consent of the Corporation From and after the erection of any buildings as aforesaid and until dwelling-houses shall be erected up to the said building line the said open space shall be enclosed to the reasonable satisfaction of the Corporation by the company by a low wall with ornamental iron palings on the side adjoining the said South Road except where required for roads or footpaths by the company and shall be planted by the company with shrubs and such shrubs shall be from time to time maintained by the company.

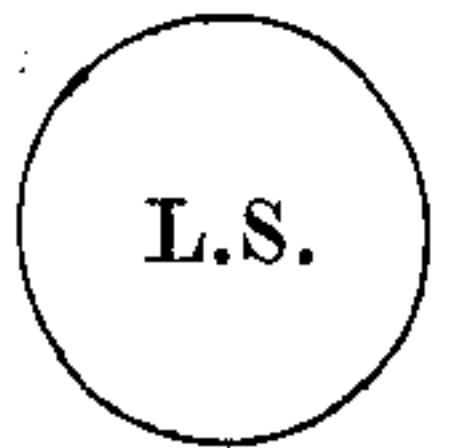
7. The company shall pay to the Corporation the sum of one pound and one shilling being the cost of stamping an agreement and preparing the plans attached thereto which agreement is made between the London

A.D. 1918. and North Western Railway Company and the Corporation and relates to matters to be carried out ancillary to this agreement.

8. The Corporation shall incorporate in the first Act of Parliament promoted by them the necessary clauses and powers providing for the closing of the said White Cross Street by the company on the terms herein set out Any expense in connexion with this shall be borne by the company but in the event of such clauses not being confirmed by Parliament the Corporation shall be discharged from any liability in connexion therewith or under this agreement.

As witness the seals of the Corporation and the company the day and year first before written.

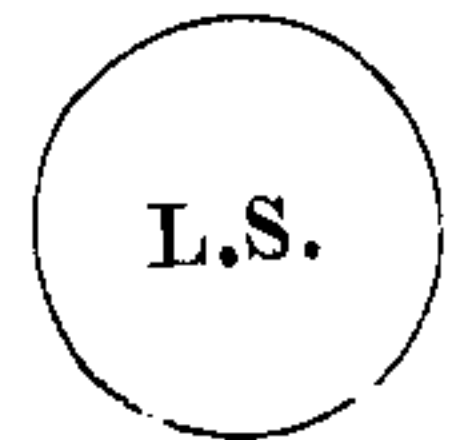
The common seal of the Corporation was hereto affixed in }
the presence of



EDW. CARDWELL Mayor.

T. CANN HUGHES Town Clerk.

The common seal of Storey Brothers and Company Limited }
was hereunto affixed in the presence of



H. L. STOREY }
ISAAC H. STOREY } Directors.

F. STOREY Acting Secretary.

THE FOURTH SCHEDULE.

Referred to in Section 82.

AGREEMENT FOR TRANSFER OF ST. GEORGE'S QUAY.

AN AGREEMENT made the sixth day of November one thousand nine hundred and one Between JOHN STAMP BURRELL of Liverpool in the county of Lancaster Esquire WILLIAM SMITH of Lancaster in the said county corn merchant and WILLIAM BELL of Lancaster aforesaid ironmonger who are the trustees appointed under and by virtue of several Acts of Parliament for improving the navigation of the River Lune (hereinafter called "the trustees") of the first part ROBERT PRESTON mayor of the borough of Lancaster JOHN KITCHEN the said WILLIAM BELL the said WILLIAM SMITH NORVAL WATSON HEIME THOMAS BELL ROBERT MANSERGH JOHN WELLS FRANCIS ANTHONY MILNER WILLIAM HUNTINGTON JAMES HEALD GEORGE JACKSON THOMAS ATKINSON ARNOLD WRIGHT KERSHAW and ADAM RUSSELL who are the

commissioners and trustees for executing the powers of the said several Acts of Parliament (hereinafter called "the commissioners") of the second part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF LANCASTER (hereinafter called "the Corporation") of the third part whereby it is agreed as follows:—

1. The trustees and the commissioners shall so far as they legally have power under the said several Acts of Parliament assign transfer and convey to the Corporation all their rights and interests in the quay or wharf at the east side of the railway bridge belonging to the London and North Western Railway Company and commonly known as the Carlisle Bridge and which quay or wharf is known as the St. George's Quay and is more particularly delineated and coloured pink and brown on the map or plan endorsed on the sixth page of these presents.

2. The Corporation shall for ever hereafter maintain repair and keep in repair the said quay or wharf and all erections and works on the same (other than those referred to in paragraph 5 hereof) and all additions and improvements thereto. The commissioners and trustees shall permit the Corporation to erect such stages or other things on the bed of the river as may be necessary to carry out the said works.

3. The Corporation and the commissioners shall discourage so far as possible the owners and masters of ships and vessels from using the said quay or wharf and shall not hold out any inducement whatever to such owners and masters to persuade them to use the said quay or wharf in preference to using any other quay wharf or pier belonging to the commissioners.

4. The commissioners shall have full power of entry on the said quay or wharf for the purpose of collecting the several rates customs tonnage or other duties to which the commissioners would have been entitled had they retained the control of the said quay or wharf or for any other purpose in connection with the collection of the said rates customs tonnage or other duties and nothing herein contained shall be construed so as to in any way affect or extinguish the right of the commissioners to collect such rates customs tonnage or other duties from any ships or vessels using the said quay or wharf. And the commissioners shall whenever they desire to cleanse scour open deepen widen or straighten take up or cut through any part of the bed of the River Lune opposite the said quay or wharf be at liberty to moor or fasten up any dredger lighter or other ship or vessel used for that purpose to the said quay or wharf and the Corporation shall retain the present mooring posts or provide all necessary rings or mooring posts for the purpose of mooring such dredger lighter or other ship or vessel.

5. The Corporation shall at their own expense remove the existing steamer-shed erected upon the said quay or wharf and shall re-erect

A.D. 1918. the same to the satisfaction of the commissioners on land on the west side of the said railway bridge at a place to be chosen by the commissioners.

6. The Corporation shall purchase from the commissioners the iron rails recently erected by them on the said quay or wharf at the price paid by the commissioners for the same and shall in addition pay to the commissioners the sum paid by them for labour in erecting the said iron rails.

7. The commissioners shall for ever hereafter have a right of way across and entry upon the piece of land coloured brown on the said plan for the purpose of tipping stone or rubble into the River Lune but such stone and rubble shall not be left on the quay.

8. The Corporation shall at all times hereafter save harmless and keep indemnified the commissioners and the trustees against all claims costs charges and expenses which may be made against or incurred by the commissioners or the trustees through the possession of the said quay or wharf by the Corporation or by reason of the omission of the commissioners or trustees to perform any of their duties or obligations imposed upon them by the said Acts of Parliament or any of them and arising out of the possession of the said quay or wharf by the Corporation.

9. This agreement shall be scheduled to and confirmed by the first Act of Parliament promoted by the Corporation or the commissioners.

In witness whereof the parties hereto of the first and second parts have hereunto set their hands and seals and the Corporation have hereunto caused their common seal to be affixed the day and year first above written.

Signed sealed and delivered by the said John Stamp Burrell } (L.S.)
in the presence of

Signed sealed and delivered by the	WILLIAM SMITH	(L.S.)
said William Smith Robert	WILLIAM BELL	(L.S.)
Preston John Kitchen Norval	ROBT. PRESTON	(L.S.)
Watson Helme Thomas Bell	JOHN KITCHEN	(L.S.)
Robert Mansergh John Wells	NORVAL W. HELME	(L.S.)
Francis Anthony Milner William	THOMAS BELL	(L.S.)
Huntington James Heald George	ROBT. MANSERGH	(L.S.)
Jackson Thomas Atkinson Arnold	JOHN WELLS	(L.S.)
Wright Kershaw and Adam	F. A. MILNER	(L.S.)
Russell in the presence of	WM. HUNTINGTON	(L.S.)
	JAMES HEALD	(L.S.)
	GEORGE JACKSON	(L.S.)
	THOS. ATKINSON	(L.S.)
	A. W. KERSHAW	(L.S.)
	ADAM RUSSELL	(L.S.)

EDWARD RUSSELL
17 Salisbury Road
Lancaster
Master Mariner.

[8 & 9 GEO. 5.] *Lancaster Corporation Act, 1918.* [Ch. lx.]

Signed sealed and delivered by the said William Bell in the } (L.S.) A.D. 1918.
presence of

EDWARD RUSSELL
17 Salisbury Road
Lancaster
Master Mariner.

The common seal of the said Corporation was hereunto affixed } (L.S.)
in the presence of

ROBT. PRESTON Mayor.
T. CANN HUGHES Town Clerk.

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FOR

WILLIAM RICHARD CODLING, Esq., C.B.E., M.V.O., the King's Printer of Acts of Parliament.

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