



ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. xxix.

An Act for better lighting, watching, and otherwise improving the Town of *Blackpool* and the rest of the Township of *Layton* with *Warbrick* in the County Palatine of *Lancaster*, and for other Purposes, and of which the Short Title is “*The Blackpool Improvement Act, 1853.*”

[14th *June* 1853.]

WHEREAS by an Order of the Queen’s most Excellent Majesty, made on the Twenty-third Day of *October* One thousand eight hundred and fifty-one, by and with the Advice of Her Privy Council, in pursuance of “*The Public Health Act, 1848,*” the Public Health Act, except Section Fifty thereof, was applied to the entire Area, Places, and Parts of Places comprised within the Boundaries of the Township of *Layton* with *Warbrick* in the County of *Lancaster*, and such Area, Places, and Parts of Places were constituted a District for the Purposes of “*The Public Health Act, 1848,*” accordingly, and which District is in this Act called “the District:” And whereas the District is insufficiently supplied with Gas, and it is expedient to make further Provision for the lighting, watching, and improving of the District, and for enabling the Local Board of Health for the District, in this Act called “the Local Board,” to provide Gasworks, and to supply Gas to the District, and to establish Markets and provide

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Market

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Market Places in and for the District, and to execute this Act in all other respects: And whereas such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

- Short Title. I. That this Act may be cited for any Purpose as "*The Blackpool Improvement Act, 1853.*"
- Commencement of Act. II. That this Act shall commence and have effect on and from the Fourth *Wednesday* next after the passing thereof.
- Limits of Act. III. That, except as by this Act otherwise provided, this Act shall be put in force within the District established by the recited Order in Council.
- Limits of Act as to Hackney Coaches, &c. IV. That the Limits of this Act, with respect to Hackney Carriages, Pleasure Boats, Bathing Machines, Sedan Chairs, Horses, Asses, and Mules, comprise that District.
- Limits of Act for specified Purposes. V. That the Limits of this Act with respect to the Gasworks and the Supply of Gas are defined by a broad Black Line drawn on a Map in triplicate of that District, and comprising only Part thereof, being authenticated by the Signature of *John Wilson Patten* Esquire, the Chairman of the Committees of the Honourable the House of Commons, and of which Map one Part is deposited in the Private Bill Office of the House of Commons, and another Part is to be deposited by the Local Board with the Clerk of the Peace for the County Palatine of *Lancaster*, and the other Part is to be retained by the Local Board.
- As to Deposit of Map with Clerk of the Peace. VI. That the Part of the Map to be deposited with such Clerk of the Peace shall be deposited with him by the Local Board within Two Months after the passing of this Act; and such Clerk of the Peace shall receive and keep the same, and permit Inspection thereof, and furnish Copies thereof, in such Manner, and subject to such Regulations, and Penalties for default, and on such Terms as are provided by the Act of the First of *Victoria*, Chapter Eighty-three, with respect to Documents therein referred to.
- Provisions of 11 & 12 Vict. c. 63., &c., to apply to this Act. VII. That the several Provisions of "*The Public Health Act 1848,*" except Section Fifty thereof, and the several Provisions of the Acts supplemental thereto and now in force, shall apply to the Provisions and Purposes of this Act, as fully and effectually as if those several

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several Provisions were repeated and re-enacted in this Act, and made applicable to the Purposes and Provisions thereof.

VIII. That "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act: Provided always, that the Local Board shall not purchase or take any Lands otherwise than by Agreement. 8 & 9 Vict. c. 18. incorporated with this Act.

IX. That the several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction. Meanings to Words, &c. in this Act to be the same as in Acts incorporated herewith.

X. That "The Town Police Clauses Act" is incorporated with this Act. 10 & 11 Vict. c. 89. incorporated with this Act.

XI. That the Local Board may make such Rules and Orders as they think fit for regulating the Conduct of the Constables; and if any Constable do not faithfully observe and perform such Rules and Orders, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and, if the Local Board think proper, shall also be immediately discharged from his Office or Employment. Regulations of the Local Board to be observed, under a Penalty.

XII. That the Local Board may allow any Constable such Gratuities and Rewards for apprehending Felons and other Offenders as they think proper, and may give such Rewards or Compensation to any Constable disabled in the Execution of his Duty, or to any Constable appointed under this Act who shall be worn out by Length of Service, as the Local Board think reasonable. Local Board may allow Gratuities, &c. to Officers, &c., in certain Cases.

XIII. That any Constable may destroy any Dog or other Animal within the Limits of this Act reasonably suspected to be in a rabid State, or to have been bitten by any Dog or other Animal reasonably suspected to be in a rabid State. Power to destroy Dogs suspected to be mad.

XIV. That all Constables may at all Times enter into any House, Shop, Room, Cellar, or Vault within the Limits of this Act, where ready-made Tea or Coffee, or Refreshments or Provisions of any kind, are drunk, used, or consumed, the Owner or Keeper of which House, Shop, Room, Cellar, or Vault has within Twelve Months before such Entry been convicted of knowingly permitting or suffering common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons to assemble at the same, and continue therein, or to play therein at any Game with Cards or Dice; and if any Person having or keeping any such House, Shop, Room, Cellar, or Vault, or any Servant or other Person in his Employ or by his Direction, in any Power to Constables to enter Houses of Persons who have been before convicted of keeping disorderly Houses. Penalty.

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any such Case refuse to admit or do not on Application admit such Constable into such House, Shop, Room, Cellar, or Vault, or upon such Premises, every Person so offending shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Regulations
as to Houses
of public
Resort.

XV. That if any Occupier, within the Limits of this Act, of any House, Shop, Room, Cellar, Vault, or Place of public Resort, or wherein ready-made Tea or Coffee, Fish, Provisions, Liquors, or Refreshments of any kind whatsoever, are sold or consumed, and whether the same be kept or retailed therein or procured elsewhere, open or keep open his Premises for any such Purpose on any *Sunday*, *Christmas Day*, or *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, at any Time other than between the Hours of One and Three of the Clock in the Afternoon and Five and Eight of the Clock in the Evening, or on any other Day at any Time other than between the Hours of Five of the Clock in the Morning and Eleven of the Clock at Night, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that a licensed Public House, or a Hotel or Inn, is not within this Enactment.

Penalty on
Persons
keeping
Brothels, &c.

XVI. That if any Person keeps or acts in the Management of any Brothel or other disorderly House, Room, or other Place within the Limits of this Act, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, or, in the Discretion of the Justices before whom he is convicted, to Imprisonment, with or without Hard Labour, for a Period not exceeding Three Months.

Power to
license
Pleasure
Boats, &c.

XVII. That the Local Board may from Time to Time license to ply for Hire within the Limits of this Act, and on the Beach or Coasts adjoining or near thereto, such Number of Hackney Coaches or Carriages of any Description, Pleasure Boats, Sedan Chairs, Bathing Machines, Horses, Asses, and Mules, and such Number of Persons to manage, drive, and attend on the same respectively, as the Local Board think fit.

What to be
deemed
Hackney
Carriages.

XVIII. Every wheeled Carriage, whatever may be its Form or Construction, used in standing or plying for Hire in any Street within the District, and every Carriage standing upon any Street within the District having thereon any numbered Plate required by this Act to be fixed upon a Hackney Carriage, or having thereon any Plate resembling or intended to resemble any such Plate as aforesaid, shall be deemed to be a Hackney Carriage within the Meaning of this Act, and in all Proceedings at Law or otherwise the Term "Hackney Carriage" shall be sufficient to describe any such Carriage:

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Carriage: Provided always, that no Stage Coach used for the Purpose of standing or plying for Passengers to be carried for Hire at separate Fares, and duly licensed for that Purpose, and having thereon the proper numbered Plates required by Law to be placed on such Stage Coaches, shall be deemed to be a Hackney Carriage within the Meaning of this Act.

XIX. For every such Licence there shall be paid to the Clerk of the Local Board, or other Person appointed by them to receive the same, such Sum as the Local Board direct, not exceeding Five Shillings. Fee to be paid for Licence.

XX. Before any such Licence is granted a Requisition for the same, in such Form as the Local Board from Time to Time provide for that Purpose, shall be made and signed by the Proprietor or One of the Proprietors of the Hackney Carriage, Sedan Chairs, Horses, Asses, or Mules, Bathing Machines or Pleasure Boats, in respect of which such Licence is applied for; and in every such Requisition shall be truly stated the Name and Surname and Place of Abode of the Person applying for such Licence, and of every Proprietor or part Proprietor of such Carriage, Animal, Boat, or Machine as aforesaid, or Person concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of such Carriage, Animal, Boat, or Machine as aforesaid; and any Person who on applying for such Licence states in such Requisition the Name of any Person who is not a Proprietor or part Proprietor of such Carriage, Animal, Boat, or Machine as aforesaid, or who is not concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, Animal, Boat, or Machine as aforesaid, and also any Person who wilfully omits to specify truly in such Requisition as aforesaid the Name of any Person who is a Proprietor or part Proprietor of such Carriage, Animal, Boat, or Machine as aforesaid, and who is concerned as aforesaid in the keeping, employing, or letting to Hire of such Carriage, Animal, Boat, or Machine as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds. Persons applying for Licences to sign Requisitions for the same. Penalty.

XXI. In every such Licence shall be specified the Name and Surname and Place of Abode of every Person who is a Proprietor or part Proprietor of the Hackney Carriage, Animal, Boat, or Machine as aforesaid in respect of which such Licence is granted, or who is concerned, either solely or in Partnership with any other Person, in the keeping, employing, or letting to Hire of any such Carriage, Animal, Boat, or Machine as aforesaid, and also the Number of such Licence, which shall correspond with the Number to be painted or marked on the Plates to be fixed on such Carriage, Boat, What shall be specified in the Licences.

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or Machine, together with such other Particulars as the Local Board think fit.

Licences to
be regis-
tered.

XXII. Every Licence shall be made out by the Clerk of the Local Board, and duly entered in a Book to be provided by him for that Purpose; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Proprietor or Driver, or Person attending such Carriage, Animal, Boat, or Machine as aforesaid; and any Person may at any reasonable Time inspect such Book, without Fee or Reward.

Licence to
be in force
for One
Year only.

XXIII. Every Licence so to be granted shall be under the Common Seal of the Local Board, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any General Licensing Day be appointed by the Local Board.

Notice to be
given by
Proprietors
of Hackney
Carriages of
any Change
of Abode.

XXIV. So often as any Person named in any such Licence as the Proprietor or One of the Proprietors, or as being concerned, either solely or in Partnership with any Person, in the keeping, employing, or letting to Hire of any such Carriage, Animal, Boat, or Machine as aforesaid, changes his Place of Abode, he shall, within Seven Days next after such Change, give Notice thereof in Writing, signed by him, to the Local Board, specifying in such Notice his new Place of Abode, and he shall at the same Time produce such Licence at the Office of the Local Board, who shall, by their Clerk or some other Officer, endorse thereon and sign a Memorandum specifying the Particulars of such Change; and any Person named in any such Licence as aforesaid as the Proprietor or One of the Proprietors of any Hackney Carriage, Animal, Boat, or Machine as aforesaid, or as being concerned as aforesaid, who changes his Place of Abode, and neglects or wilfully omits to give Notice of such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon within the Time and in the Manner limited and directed by this Act, shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for
plying for
Hire without
Licence.

XXV. If the Proprietor or part Proprietor of any Carriage, Animal, Boat, or Machine as aforesaid, or any Person so concerned as aforesaid, permits the same to be used for Hire within the District, without having obtained a Licence as aforesaid for such Carriage, Animal, Boat, or Machine as aforesaid, or during the Time that such Licence is suspended, as herein-after provided, or if any Person be found driving, standing, or plying for Hire with any Carriage, Animal, Boat, or Machine as aforesaid, within the District, for which such Licence as aforesaid has not been previously obtained, or without
having

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having the Number of such Carriage, Animal, Boat, or Machine as aforesaid, corresponding with the Number of the Licence, openly displayed on such Carriage, Animal, Boat, or Machine, every such Person so offending shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

XXVI. No Person shall act as Driver of any Hackney Carriage, Animal, or Machine as aforesaid licensed in pursuance of this Act to ply for Hire within the District, without first obtaining a Licence from the Local Board, which Licence shall be registered by the Clerk to the Local Board, and a Fee of One Shilling shall be paid for the same; and every such Licence shall be in force until the same is revoked, except during the Time that the same may be suspended, as after mentioned.

Drivers not to act without first obtaining a Licence.

XXVII. If any Person acts as such Driver as aforesaid without having obtained such Licence, or during the Time that his Licence is suspended, or if he lend or part with his Licence, except to the Proprietor of the Hackney Carriage, Animal, or Machine as aforesaid, or if the Proprietor of any such Hackney Carriage, Animal, or Machine as aforesaid employ any Person as the Driver thereof who has not obtained such Licence, or during the Time that his Licence is suspended as herein-after provided, every such Driver and every such Proprietor shall for every such Offence respectively be liable to a Penalty not exceeding Twenty Shillings.

Penalty on Drivers acting without Licence.

XXVIII. In every Case in which the Proprietor of any such Hackney Carriage, Animal, or Machine as aforesaid permits or employs any licensed Person to act as the Driver thereof, such Proprietor shall cause to be delivered to him, and shall retain in his Possession, the Licence of such Driver, while such Driver remains in his Employ; and in all Cases of Complaint, where the Proprietor of a Hackney Carriage, Animal, or Machine as aforesaid is summoned to attend before a Justice, or to produce the Driver, the Proprietor so summoned shall also produce the Licence of such Driver, if he be then in his Employ; and if any Driver complained of be adjudged guilty of the Offence alleged against him, such Justice shall make an Endorsement upon the Licence of such Driver, stating the Nature of the Offence and the Amount of the Penalty inflicted; and if any such Proprietor neglect to have delivered to him, and to retain in his Possession, the Licence of any Driver whilst such Driver remains in his Employ, or if he refuse or neglect to produce such Licence as aforesaid, such Proprietor shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Proprietor to retain Licence of Driver when in his Employ, and to produce the same when summoned.

If Driver convicted of any Offence, Justice to endorse it on Licence.

Penalty on Proprietor for Neglect.

XXIX. When

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Proprietor to return Licences to Drivers when quitting his Service, if they behave well; if otherwise, Proprietors to summon them.

Compensation in case of Licence being improperly withheld.

Licences to be suspended or revoked for Misconduct.

Number of Persons to be carried in a Hackney Carriage to be painted thereon.

Penalty on Proprietor, &c. for using Carriages without Number painted thereon, and on Driver for refusing to carry prescribed Number.

Penalty on Driver for refusing to drive.

XXIX. When any Driver leaves the Service of the Proprietor by whom he is employed, without having been guilty of any Misconduct, such Proprietor shall forthwith return to such Driver the Licence belonging to him; but if such Driver have been guilty of any Misconduct, the Proprietor shall not return his Licence, but shall give him Notice of the Complaint which he intends to prefer against him, and shall forthwith summon such Driver to appear before any Justice to answer the said Complaint; and such Justice, having the necessary Parties before him, shall inquire into and determine the Matter of Complaint; and if upon Inquiry it appear that the Licence of such Driver has been improperly withheld, such Justice shall direct the immediate Re-delivery of such Licence, and award such Sum of Money as he thinks proper to be paid by such Proprietor to such Driver by way of Compensation.

XXX. The Local Board may, upon the Conviction for the Second Time of the Proprietor or Driver of any such Hackney Carriage, Animal, or Machine as aforesaid, for any Offence under the Provisions of this Act with respect to Hackney Carriages, or any By-law made in pursuance thereof, suspend or revoke, as they deem right, the Licence of any such Proprietor or Driver.

XXXI. No Hackney Carriage shall be used or employed or let to Hire, or shall stand or ply for Hire, within the District, unless the Number of Persons to be carried by such Hackney Carriage, in Words at Length and in Form following, (that is to say,) "to carry Persons," be painted on a Plate placed on some conspicuous Place on the Outside of such Carriage, and in legible Letters, so as to be clearly distinguishable from the Colour of the Ground whereon the same are painted, One Inch in Length, and of a proportionate Breadth; and the Driver of any such Hackney Carriage shall not be required to carry in or by such Hackney Carriage a greater Number of Persons than the Number painted thereon.

XXXII. If the Proprietor of any Hackney Carriage permit the same to be used, employed, or let to Hire, or if any Person stand or ply for Hire with such Carriage, without having the Number of Persons to be carried thereby painted and exhibited in manner aforesaid, or if the Driver of any such Hackney Carriage refuse, when required by the Hirer thereof, to carry in or by such Hackney Carriage the Number of Persons painted thereon, or any less Number, every Proprietor or Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

XXXIII. Any Driver of a Hackney Carriage standing at any of the Stands for Hackney Carriages appointed by the Local Board, or in

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in any Street, who refuses or neglects, without reasonable Excuse, to drive such Carriage to any Place within the District, or the Distance to be appointed by any Byelaw of the Local Board, not exceeding the District, to which he is directed to drive by the Person hiring or wishing to hire such Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

XXXIV. If the Proprietor or Driver of any such Hackney Carriage, or if any other Person on his Behalf, agree beforehand with any Person hiring such Hackney Carriage to take for any Job a Sum less than the Fare allowed by this Act or any Byelaw made thereunder, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if he exact or demand for such Job more than the Fare so agreed upon.

Penalty for demanding more than the Sum agreed for, though less than the legal Fare.

XXXV. No Agreement whatever made with the Driver, or with any Person having or pretending to have the Care of any such Hackney Carriage, for the Payment of more than the Fare allowed by any Byelaw made under this Act, shall be binding on the Person making the same; and any such Person may, notwithstanding such Agreement, refuse, on discharging such Hackney Carriage, to pay any Sum beyond the Fare allowed as aforesaid; and if any Person actually pay to the Driver of any such Hackney Carriage, whether in pursuance of any such Agreement or otherwise, any Sum exceeding the Fare to which such Driver was entitled, the Person paying the same shall be entitled, on Complaint made against such Driver before any Justice of the Peace, to recover back the Sum paid beyond the proper Fare, and moreover such Driver shall be liable to a Penalty for such Exaction not exceeding the Sum of Forty Shillings; and in default of the Repayment by such Driver of such Excess of Fare, or of Payment of the said Penalty, such Justice shall forthwith commit such Driver to Prison, there to remain for any Time not exceeding One Month, unless the said Excess of Fare and the said Penalty be sooner paid.

Agreement to pay more than the legal Fare not to be binding, and if paid may be recovered back.

Penalty in default of Repayment

XXXVI. If the Proprietor or Driver of any such Hackney Carriage, or if any other Person on his Behalf, agree with any Person to carry in or by such Hackney Carriage Persons not exceeding in Number the Number so painted on such Carriage as aforesaid, for a Distance to be in the Discretion of such Proprietor or Driver, and for a Sum agreed upon, such Proprietor or Driver shall be liable to a Penalty not exceeding Forty Shillings if the Distance which he carries such Persons be under that to which they were entitled to be carried for the Sum so agreed upon according to the Fare allowed by this Act or any Byelaw made in pursuance thereof.

If Driver carry Persons under an Agreement for a discretionary Distance, the legal Fare only to be taken.

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XXXVII. When

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Deposit to be made for Carriages waiting.

XXXVII. When any Hackney Carriage is hired and taken to any Place, and the Driver thereof is required by the Hirer there to wait with such Hackney Carriage, such Driver may demand and receive from such Hirer his Fare for driving to such Place, and also a Sum equal to the Fare of such Carriage for the Period, as a Deposit, over and above such Fare, during which he is required to wait as aforesaid, or if no Fare for Time be fixed by the Byelaws, then the Sum of One Shilling and Sixpence for every Half Hour during which he is so required to wait, which Deposit shall be accounted for by such Driver when such Hackney Carriage is finally discharged by such Hirer; and if any such Driver who has received any such Deposit as aforesaid refuses to wait as aforesaid, or goes away, or permits such Hackney Carriage to be driven or taken away without the Consent of such Hirer before the Expiration of the Time for which such Deposit was made, or if such Driver, on the final Discharge of such Hackney Carriage, refuse duly to account for such Deposit, every such Driver so offending shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on the Driver refusing to wait, or to account for Deposit.

Penalty on Drivers for taking greater Fares than are allowed.

XXXVIII. Every Proprietor or Driver of any such Hackney Carriage, Animal, or Machine as aforesaid, who is convicted of taking as a Fare a greater Sum than is authorized by any Byelaw made under this Act, shall be liable to a Penalty not exceeding Forty Shillings, and such Penalty may be recovered before One Justice; and in the Conviction of such Proprietor or Driver, an Order may be included for Payment of the Sum so overcharged, over and above the Penalty and Costs; and such Overcharge shall be returned to the Party aggrieved, whose Evidence shall be admissible in proof of the said Offence.

In Conviction, an Order may be included for Repayment of Overcharge.

Penalty for permitting Persons to ride without Consent of the Hirer.

XXXIX. Any Proprietor or Driver of any such Hackney Carriage which is hired who permits or suffers any Person to be carried in or upon or about such Hackney Carriage during such Hire, without the express Consent of the Person hiring the same, shall be liable to a Penalty not exceeding Twenty Shillings.

No Person to act as Driver of any Carriage, &c. without Consent of the Proprietor.

XL. No Person authorized by the Proprietor to act as Driver of such Carriage, Animal, or Machine as aforesaid shall suffer any other Person to act as Driver of such Carriage, Animal, or Machine, without the Consent of the Proprietor thereof; and no Person, whether licensed or not, shall act as Driver of any such Carriage, Animal, or Machine, without the Consent of the Proprietor; and any Person so suffering another Person to act as Driver, and any Person so acting as Driver, without such Consent as aforesaid, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

XLI. If

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XLI. If the Driver or any other Person having or pretending to have the Care of any such Hackney Carriage, Animal, or Machine as aforesaid be intoxicated while driving, or if any such Driver or other Person, by wanton and furious Driving, or by any other wilful Misconduct, injure or endanger any Person in his Life, Limbs, or Property, he shall be liable to a Penalty not exceeding Five Pounds, and in default of Payment thereof the Justice before whom he is convicted of such Offence may commit him to Prison, there to remain for any Time not exceeding Two Months.

Penalty on Drivers misbehaving.

XLII. If the Driver of any such Hackney Carriage or Animal leave it in any Street, or at any Place of public Resort or Entertainment, whether it be hired or not, without some proper Person to take care of it, any Constable may drive away such Hackney Carriage or Animal, and deposit it, and the Horse or Horses harnessed to such Carriage, at some neighbouring Livery Stable or other Place of safe Custody; and such Driver shall be liable to a Penalty not exceeding Twenty Shillings for such Offence; and in default of Payment of the said Penalty, upon Conviction, and of the Expenses of taking and keeping the said Hackney Carriage, Horses, or Animal as aforesaid, the same, together with the Harness belonging thereto, or any of them, shall be sold by Order of the Justice before whom such Conviction is made, and after deducting from the Produce of such Sale the Amount of the said Penalty, and of all Costs and Expenses, as well of the Proceedings before such Justice as of the taking, keeping, and Sale of the said Hackney Carriage, Horses, or Animal as aforesaid, the Surplus (if any) of the said Produce shall be paid to the Proprietor of such Hackney Carriage.

Penalty for leaving Carriages unattended at Places of public Resort.

XLIII. In every Case in which any Hurt or Damage has been caused to any Person or Property as aforesaid by the Driver of any Carriage or Animal let to Hire, the Justice before whom such Driver has been convicted may direct that the Proprietor of such Carriage or Animal shall pay such a Sum, not exceeding Five Pounds, as appears to the Justice a reasonable Compensation for such Hurt or Damage; and every Proprietor who pays any such Compensation as aforesaid may recover the same from the Driver, and such Compensation shall be recoverable from such Proprietor, and by him from such Driver as Damages.

Damage done by Driver may be recovered from the Proprietor, who may recover the same from Driver.

XLIV. Any Driver of any Hackney Carriage who suffers the same to stand for Hire across any Street, or alongside of any other Hackney Carriage, or who refuses to give way, if he conveniently can, to any other Carriage, or who obstructs or hinders the Driver of any other Carriage in taking up or setting down any Person into or from such other Carriage, or who wrongfully in a forcible Manner prevents

Penalty on Drivers committing Offences herein named.

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prevents or endeavours to prevent the Driver of any other Hackney Carriage from being hired, shall be liable to a Penalty not exceeding Twenty Shillings.

Drivers may recover Compensation for Loss of Time in attending to answer Complaints not substantiated.

XLV. If the Driver of any such Hackney Carriage, Animal, or Machine as aforesaid be summoned or brought before any Justice to answer any Complaint or Information touching or concerning any Offence alleged to have been committed by such Driver against the Provisions of this Act or any Byelaw made thereunder, and such Complaint or Information be afterwards withdrawn, or quashed, or dismissed, or if such Driver be acquitted of the Offence charged against him, the said Justice, if he think fit, may order the Complainant or Informant to pay to the said Driver such Compensation for his Loss of Time in attending the said Justice touching or concerning such Complaint or Information as to the said Justice seems reasonable; and in default of Payment of such Compensation the said Justice may commit such Complainant or Informant to Prison for any Time not exceeding One Month, unless the same shall be sooner paid.

Penalty for refusing to pay the Fare.

XLVI. If any Person refuse to pay, on Demand, to any Proprietor or Driver of any Hackney Carriage, Animal, or Machine as aforesaid, the Fare allowed by this Act or any Byelaw made thereunder, such Fare may, together with Costs, be recovered before One Justice as a Penalty.

Penalty for damaging Carriage.

XLVII. Any Person using any Hackney Carriage, Machine, or Pleasure Boat, plying under a Licence granted by virtue of this Act, who wilfully injures the same, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Proprietor of such Hackney Carriage, Machine, or Pleasure Boat reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction takes place, and shall be recovered by the same Means as the Penalty.

Local Board may make Byelaws for regulating Hackney Carriages.

XLVIII. The Local Board may from Time to Time (subject to the Restrictions of this Act) make Byelaws for all or any of the Purposes following; (that is to say,)

For regulating the Conduct of the Proprietors and Drivers respectively of Hackney Carriages, Animals, Bathing Machines, or Pleasure Boats, plying within the District, in their several Employments, and determining whether such Drivers shall wear any and what Badges, and for regulating the Hours within which they may exercise their Calling:

For:

The Blackpool Improvement Act, 1833.

For regulating the Manner in which the Number of each Carriage, corresponding with the Number of its Licence, shall be displayed:

For regulating the Number of Persons to be carried by such Hackney Carriages, and in what Manner such Number is to be shown on such Carriage, and what Number of Horses or other Animals is to draw the same, and the placing of Checkstrings to the Carriages, and the holding of the same by the Driver, and how such Hackney Carriages are to be furnished or provided:

For fixing the Stands of such Hackney Carriages and Animals as aforesaid, and the Distance to which they may be compelled to take Passengers not exceeding the District:

For fixing the Rates or Fares, as well for Time as Distance, to be paid for such Hackney Carriages, Animals, or Machines as aforesaid within the District, and for securing the due Publication of such Fares:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages or Machines as aforesaid, and fixing the Charges to be made in respect thereof.

XLIX. That "The Gasworks Clauses Act, 1847," except so far as the Provisions thereof are repugnant to or inconsistent with any of the Provisions or Purposes of this Act, and except the Provisions thereof "with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit," shall be incorporated with this Act.

10 & 11 Vict. c. 15. incorporated with this Act.

L. That the Local Board may from Time to Time make, maintain, alter, and discontinue such Gasworks, Retorts, Gasometers, Receivers, Drains, Sewers, Machinery, and other Works and Apparatus, and such Houses, Buildings, and Approaches, and do all such Acts as they think proper for making and storing Gas, and for supplying Gas, within the Limits of this Act, and may make, store, and supply Gas accordingly, and may sell the Gas, and the Coke and other Products of the Manufacture of Gas, as they from Time to Time think fit.

Power to maintain Gasworks and supply Gas, &c.

LI. That the Local Board may from Time to Time agree with the Owners of the Gasworks within the Limits of this Act, now belonging to the Vegetable Gas Company, or with the Owners of any other Gasworks, for the Transfer to the Local Board of such Gasworks respectively, and all or any of the Lands, Buildings, Mains, Pipes, Works, and Conveniences thereof; and such Owners shall have by virtue of this Act full Power to transfer the same to the Local Board, and the Local Board may accept the Transfer thereof.

Power to take Transfer of Gasworks.

[Local.]

5 Z

LII. That

The Blackpool Improvement Act, 1853.

Compensation for Transfer.

LII. That every such Agreement for a Transfer may be on such Terms and Conditions whatsoever as the Parties thereto mutually agree on; and the Local Board may, in consideration of such Transfer, make, and the Party transferring may accept, such Compensation as is so agreed on.

Power to lay Pipes for lighting Buildings.

LIII. That the Local Board may lay any Pipe, Branch, or other necessary Apparatus from any Main or Branch Pipe into, through, or against any Building, for the Purpose of lighting it, and may provide and set up any Apparatus necessary for securing to any Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of such Supply.

10 & 11 Vict. c. 14. incorporated with this Act.

LIV. That after the Local Board shall have purchased the Market herein-after mentioned, "The Markets and Fairs Clauses Act, 1847," except so far as any of the Provisions thereof are repugnant to or inconsistent with any of the Provisions or Purposes of this Act, shall be incorporated with this Act.

Persons not liable to Penalty for selling in Market.

LV. Provided always, That, notwithstanding Section 13. of "The Markets and Fairs Clauses Act, 1847," a Person shall not be liable to a Penalty for selling or exposing for Sale any Article in any Market Place within the Limits of this Act.

Not to prevent Sale of Butter, Eggs, &c., in other Places than the Market.

LVI. That nothing in this or the incorporated Acts contained shall be construed to prevent the Sale, by any Person, of Butter, Eggs, Fish, or Shellfish, in any Place within the Limits of this Act other than the Market.

Power to Local Board to purchase the Properties herein specified.

LVII. That the Local Board may from Time to Time agree with the respective Owners thereof for the Transfer to the Local Board or for the Release or Extinguishment of all or any of the following Properties; to wit,

1. The present Market in the District, and the Franchises thereof:
2. The present Market Place or Market House in the District, with the Lands, Buildings, and Appurtenances thereto belonging, or any of them:
3. Any Tolls or Duties payable to the Lord of the Manor of *Layton with Warbrick*, or to any other Person, in respect of the Market and marketable Commodities, or any of them:
4. Any Lands or Buildings which the Local Board require for the Purposes of the Market, and the several Powers and Provisions of this Act relating to the Purchase and Acquisition of Lands by the Local Board, and for facilitating the Conveyance of the same by the Owners thereof, shall extend to authorize the Transfer, Release, or Extinguishment of such Properties respectively.

LVIII. That

The Blackpool Improvement Act, 1853.

LVIII. That any Agreement for any such Transfer, Release, or Extinguishment may be on such Terms and Conditions whatsoever as the Parties thereto mutually agree on; and the Local Board may, in consideration of any such Transfer, Release, or Extinguishment, make, and the other Party may accept, such Compensation as is so agreed on.

Compensation for Transfer, &c.

LIX. That after the Transfer to the Local Board of the existing Market House or Market Place, that Market House or Market Place, with the Appurtenances, may, if and so long as the Local Board think fit, be maintained and used for the Purposes of the Markets and Fairs within the Limits of this Act, or any of them, or the Local Board may discontinue any such User thereof.

After Transfer, existing Market, &c. may be continued.

LX. That the Local Board may build and provide, on such Land as they from Time to Time acquire within the Limits of this Act, and for ever after maintain and improve, as they think fit, any public Market Places and Market Houses, to be respectively so maintained for supplying the Inhabitants within the District and its Neighbourhood with Provisions, Goods, Wares, Merchandise, and all such other marketable Commodities as the Local Board from Time to Time see fit to allow to be brought and sold therein, with all Stalls, Standings, and other Conveniences, and suitable Approaches for all Persons resorting thereto.

Power to Local Board to provide Market Places, &c.

LXI. That the Local Board may erect on any Land belonging to them, or otherwise provide, such Slaughter-houses as they from Time to Time think sufficient for the slaughtering of Cattle, Beasts, and Swine for the Supply of the District and its Neighbourhood, and maintain and improve the same, as they think fit, and such Slaughter-houses shall be deemed Part of the Market Place.

Power to erect Slaughter-houses.

LXII. That the Local Board shall hold the Markets within the Limits of this Act on *Wednesdays* and *Saturdays*, and also on such other Days, and also during such Hours in every Market Day, as they from Time to Time appoint: Provided always, that a Market shall not be held on any *Christmas Day* or *Good Friday*, or on any Day appointed for a Public Fast, or Thanksgiving.

Appointment of Market Days.

LXIII. That the Local Board may from Time to Time appoint Inspectors of Weights and Measures to act within the Limits of this Act, and the Parts within those Limits shall be a separate District for the Inspection of Weights and Measures accordingly; and the Local Board may provide for the Purposes of this Act such Copies of the Imperial

Appointment of Inspectors of Weights and Measures.

The Blackpool Improvement Act, 1853.

Imperial Standard Weights and Measures as they think fit; and every Person appointed by the Local Board an Inspector of Weights and Measures may and shall execute the Duties of his Office with the like Powers, Liberties, and Indemnities, and be subject to the like Provisions, Restrictions, Pains, and Penalties, as if he had been duly appointed to the Office by the General or Quarter Sessions, and the Parts within those Limits had been duly assigned by the General or Quarter Sessions as a separate District for such Inspection.

Power to take Tolls for Stalls, &c. as specified in Schedule (A.)

LXIV. That the Local Board and their Lessees may from Time to Time demand and take from any Person occupying or using any Stall, Shed, or Standing in any Market Place for the Time being under the Management of the Local Board, or bringing therein any Cattle, Animal, Provisions, Article, or Thing specified in the Schedule (A.) to this Act annexed, such Stallages, Rents, and Tolls as the Local Board and their Lessees from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in that Schedule.

Tolls for weighing and measuring, as in Schedule (B.)

LXV. That the Person for the Time being appointed to attend the Weighing Houses or Places for weighing or measuring any Articles sold in the Market by Weight or Measure may from Time to Time demand and take such Tolls as the Local Board and their Lessees from Time to Time appoint, not exceeding the several Tolls in that Behalf specified in the Schedule (B.) to this Act annexed.

Tolls for weighing Carts, &c. as in Schedule (C.)

LXVI. That the Person for the Time being appointed to attend the Machines for weighing Waggon, Carts, or Carriages may demand and receive from the Person requiring the same to be weighed such Tolls as the Local Board and their Lessees from Time to Time appoint, not exceeding the Tolls specified in respect of the same in the Schedule (C.) to this Act annexed; and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same be payable shall be weighed.

Power to lease Stalls, &c. in Markets.

LXVII. That the Local Board may let any of the Stalls, Standing Places, and other Conveniences in the Market Places to any Person for any Term not exceeding Three Years.

Power to assign Leases of Stalls, &c.

LXVIII. That the Lessee of any such Stall, Standing Place, or other Convenience, his Executors, Administrators, and Assigns, with the Consent of the Local Board, may assign the same for the Residue of his Term.

LXIX. The

The Blackpool Improvement Act, 1853.

LXIX. The Local Board shall from Time to Time cause the Houses and Buildings in all or any of the Streets to be marked with Numbers as they think fit, and shall cause to be put up or painted on a conspicuous Part of some House, Building, or Place at or near each End, Corner, or Entrance of every such Street the Name by which such Street is to be known; and every Person who destroys, pulls down, or defaces any such Number or Name, or puts up any Number or Name different from the Number or Name put up by the Local Board, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Houses to be numbered, and Streets named.

LXX. The Local Board may allow, upon such Terms as they think fit, any Building within the Limits of this Act to be set forward, for improving the Line of the Street in which such Building, or any Building adjacent thereto, is situated.

Houses may be set forward, for improving Line of Street.

LXXI. If any Building or Wall, or any Thing affixed thereon, within the Limits of this Act, be deemed by the Surveyor of the Local Board to be in a ruinous State, and dangerous to Passengers or to the Occupiers of the neighbouring Buildings, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known, and resident within the said Limits, and shall also cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or otherwise to be given to the Occupier thereof, if any, requiring such Owner or Occupier forthwith to take down, secure, or repair such Building, Wall, or other Thing, as the Case shall require; and if such Owner or Occupier do not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case will admit, the said Surveyor may make Complaint thereof before Two Justices; and it shall be lawful for such Justices to order the Owner or in his Default the Occupier (if any) of such Building, Wall, or other Thing to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by such Justices; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, or if no Owner or Occupier can be found on whom to serve such Order, the Local Board shall with all convenient Speed cause all or so much of such Building or other Thing as shall be in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite; and all the Expenses of putting up every such

Ruinous or dangerous Buildings to be taken down or secured by Owners, &c.

If Owner, &c. neglect to repair, Local Board may cause the same to be done, charging Owner, &c. with the Expenses.

[Local.]

6 A

Fence,

The Blackpool Improvement Act, 1853.

Fence, and of taking down, repairing, rebuilding, or securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

Fireplaces,
&c. used in
Factories,
&c. to be
constructed
so as to con-
sume their
own Smoke.

LXXII. Every Fireplace or Furnace constructed after the passing of this Act, in order to be used within the Limits of this Act, in the working of Engines by Steam, or in any Mill, Factory, Dyehouse, Brewery, Bakehouse, Gaswork, or in any Manufactory whatsoever, although a Steam Engine be not used or employed therein, shall be so constructed as to consume the Smoke arising from the Combustibles used in such Fireplace or Furnace; and every such Fireplace or Furnace existing within the said Limits at the Date of the passing of this Act, used for the Purposes aforesaid, not so constructed as to consume the Smoke arising from such Fireplace or Furnace, shall within the prescribed Period, or if no Period be prescribed then within Two Years after the passing of this Act, be so altered in its Construction as to consume such Smoke; and if after such Period any Person use for any of the Purposes aforesaid any Fireplace or Furnace not so constructed as aforesaid, or if at any Time any Person use any such Fireplace or Furnace constructed after the passing of this Act, and not so constructed as aforesaid, or so negligently use any such Fireplace or Furnace as not to consume the Smoke arising from the Combustibles used therein, every Person so offending shall be liable to a Penalty of Forty Shillings for every Day during any Part of which such Furnace or Fireplace shall be so used and continued after One Month's Notice in Writing shall have been given to the Owner or Occupier of such Furnace or Fireplace, by the Local Board, to remedy or discontinue the Use of the same.

As to Ser-
vice of No-
tice on
Owners and
Occupiers of
Buildings
and Lands.

LXXIII. Where, under this Act, any Notice is required to be given to the Owner or Occupier of any Building or Land, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Building or Land, or left with some Inmate of his Abode, or if there be no Occupier may be put up on some conspicuous Part of such Building or Land; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Building or Land: Provided always, that when the Owner of any such Building or Land, and his Residence, are known to the Local Board, it shall be the Duty of the Local Board, if such Owner be residing within the Limits of this Act, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner be not resident within the Limits of this Act, they shall send every such Notice by the Post, addressed to the Residence of such Owner.

As to the
Conversion
of Sewage

LXXIV. That the Local Board from Time to Time may cause the Sewage and Refuse of the District vested in them, to be stored
and

The Blackpool Improvement Act, 1853.

and converted into Manure, in such Manner, and may provide such Works and Conveniences for that Purpose, and may sell and dispose of the Sewage and Refuse so converted, as they think fit. into Ma-
nure.

LXXV. That every Person making use of any Fire casting up large Quantities of Smoke or Flame, or other noxious or noisome Vapour, in the District, whether in connexion with a Steam Engine or Boiler or not, shall construct and build the Chimney in connexion with every such Fire of such Height, not exceeding Forty Yards in Height, as the Local Board from Time to Time order in that Behalf; and any Occupier of Premises who for the Space of Three Months next after the Service on him of any Order made by the Local Board in that Behalf does not construct or build such Chimney of the Height so ordered shall be liable to a Penalty not exceeding Forty Shillings for every Day during which such Non-observance of any such Order continues. Regulating
Height of
Chimneys.

LXXVI. Provided always, That before the Local Board make any Order under this Act with reference to the Height of any Chimney they shall give to the Person on whom the Order is intended to be made not less than Fourteen Days Notice of the Meeting of the Local Board at which such Order is intended to be made; and every such Person may attend such Meeting, by himself or his Agent, and show Cause against the making or for the Modification of such Order. Local Board
to give
Notice be-
fore making
Orders as to
Alteration of
Chimneys.

LXXVII. That any Person aggrieved by any Order by the Local Board with reference to the Height of any Chimney may, after giving to the Local Board Fourteen Days Notice in Writing of his Intention so to do, appeal against such Order to the Court of Quarter Sessions holden by Adjournment at *Preston* in and for the County of *Lancaster* next after the Expiration of such Notice; and upon the hearing of such Appeal the Appellant may show, according to the Nature of the Order appealed against, that such Chimney is of sufficient Height, or cannot with Safety be raised to the Height required, or any other Matter, as a Cause for annulling or varying the Order; and upon the hearing of such Appeal the Court may confirm, vary, or quash the Order, or make any other Order in the Premises, on such Terms, and with or without Compensation by the Local Board, and may award such Costs to either Party as the Court thinks fit, and its Determination in or concerning the Premises shall be conclusive and binding on all Parties, to all Intents and Purposes. Parties ag-
grieved may
appeal from
Orders as to
Alteration of
Chimneys.

LXXVIII. That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards and within Thirty Yards of any Part of the Carriageway of any Street within Penalty on
Doors and
Shutters of
Blacksmiths
Forges not
the

The Blackpool Improvement Act, 1853.

being
closed in
after Sunset.

the Limits of this Act, do not close such Door, or fasten the Shutters or other Fastenings of such Windows, and close such Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings; provided that this Enactment shall not extend to Forges below the Pavement of the Street.

Owners of
Licensed
Victualling
Houses, &c.
to provide
Urinals.

Penalty on
Neglect.

LXXIX. That whenever the Local Board think it requisite, they may require the Owner or Occupier of any Licensed Victualling House or Beerhouse within the Limits of this Act to provide and maintain, at his Expense, in a proper and convenient Situation near such House, and to keep, at the like Expense, duly cleansed, a proper and convenient Urinal; and every such Owner or Occupier who, after being thereunto required by the Local Board, wilfully fails to provide to the Satisfaction of the Local Board, and within such Time as they in that Behalf appoint, or to maintain to their Satisfaction, such a Urinal as required by them, shall be liable to a Penalty not exceeding Twenty Pounds for every such Offence, and to a further Penalty not exceeding Forty Shillings for every Day during which the Offence continues; and every such Owner or Occupier who does not once in every Day, to the Satisfaction of the Local Board, cleanse such Urinal, shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Power to ap-
point Town
Criers and
Bill Stickers.

Penalty on
others act-
ing.

LXXX. That the Local Board from Time to Time may appoint Town Criers and Billstickers, with such Salaries and Allowances, as the Local Board think reasonable, and may remove such Officers, and appoint others in their Stead; and if while any such Officer is in Office any Person other than the Officer so appointed act as such Officer, every Person so acting shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Power to
grant Li-
cences for
removing
Gravel, &c.
from Beach.

LXXXI. That the Local Board may from Time to Time license any Person to dig, carry away, or move any Gravel, Shingle, Stone, Clay, Marl, Sand, or Soil from the Beach or Shore at *Blackpool*, for such Payment to be made to the Local Board, and on such Terms and Conditions, as they think fit.

One Twen-
tieth part of
Sums re-
ceived on ac-
count of
such Licen-
ces, &c. to
be paid to
the Crown.

LXXXII. The Local Board shall pay to the Queen's most Excellent Majesty, Her Heirs and Successors, in right of Her Duchy of *Lancaster*, One Twentieth Part of all Payments or Sums of Money received by them for or on account of any such Licence as last aforesaid, or for the digging or Removal of any such Gravel, Shingle, Stone, Clay, Marl, Sand, or Soil, and shall make an annual Return
to

The Blackpool Improvement Act, 1853.

to Her said Majesty, Her Heirs and Successors, of all Sums of Money received by them for or in respect of the same.

LXXXIII. That any Person who at any Time digs, carries away, or moves any Gravel, Shingle, Stone, Clay, Marl, Sand, or Soil from the Beach or Shore at *Blackpool* within Sixty Yards of the Sea Wall or Embankment there, without having first obtained the Licence in Writing of the Local Board, or who, having obtained such Licence, digs, carries away, or moves any Gravel, Shingle, Stone, Clay, Marl, Sand, or Soil from any Part of that Beach or Shore; or in any Quantity or Manner, other than the Part, Quantity, or Manner permitted by the Licence, shall for every such Offence forfeit any Sum not exceeding Twenty Pounds.

Penalty on removing Gravel, &c. without Licence.

LXXXIV. That every Person who at any Time digs, carries away, or moves any of the Gravel, Shingle, Stone, Clay, Marl, Sand, or Soil from any Part of the Beach or Shore at *Blackpool*, to the immediate or consequential Injury of the Sea Wall or Embankment there, shall for every such Offence forfeit any Sum not exceeding Twenty Pounds, and also the Expense of making good all such Injury so occasioned by him; and the Amount of such Expense shall, if requested by the Local Board, be ascertained by the Justice before whom the Conviction for such Penalty takes place.

Penalty on removing Gravel, &c. to Injury of the Sea Wall, &c.

LXXXV. That the Local Board may from Time to Time, if they think fit, maintain, repair, and improve, or allow and contribute such Sums as they from Time to Time think fit towards the maintaining, repairing, and improving of such Lengths of the Sea Walls or Embankments within the District as are opposite to and abutting upon the End of any Highway leading directly to such Sea Walls or Embankments:

Power to Local Board to maintain Sea Walls, &c., if they think fit.

LXXXVI. That in case the Sea Wall and Embankment South of *Dickson's Hotel*, within the said District, or any Part thereof, shall now or at any Time hereafter be not in good and sufficient Repair and Condition, to the Satisfaction of the said Local Board of Health, such Board may and they are hereby required, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as are not in such good and sufficient Repair and Condition, or to such other Person or Persons as are by Law liable to repair the same, require them to put such Sea Wall and Embankment in good and sufficient Repair and Condition, within a Time to be specified in such Notice; and if such Notice be not complied with the said Local Board may and they are hereby required to execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the

Power to require Persons liable to repair certain Portions of Sea Wall or Embankments.

[*Local.*]

6 B

Owners

The Blackpool Improvement Act, 1853.

Owners or other Persons in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor of the said Local Board, or in case of Dispute as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by the "Public Health Act, 1848," and such Expenses may be recovered from the last-mentioned Owners or other Persons in default in a summary Manner, or the same may be declared by Order of the Local Board to be Private Improvement Expenses, and be recoverable as such in the Manner provided by the said "Public Health Act, 1848."

Separate
Accounts to
be kept by
Local Board.

LXXXVII. That the Local Board shall keep separate and distinct Accounts of all their Receipts, Credits, Payments, and Liabilities with respect to the Gasworks and the Supply of Gas, and with respect to the Market, and with respect to the other Purposes of this Act respectively, to be called respectively "The *Blackpool* Gasworks Account," and "The *Blackpool* Markets Account," and "The *Blackpool* Improvement Account:" Provided always, that the Local Board may apportion between Two or more of those Accounts as they think reasonable any Item relating to more than One of the Purposes of this Act.

Power to
levy Gas
Rates.

LXXXVIII. That the Local Board may and shall from Time to Time defray the Expenses of executing this Act with respect to Gas, make and levy in respect of the Premises situate within the Limits of this Act with respect to Gas a Rate or Rates in the Nature of Special District Rates, and to be called Gas Rates, of such Amount as is from Time to Time sufficient to discharge those Expenses.

Monies re-
ceived for
Gas to be
carried to
Credit of Gas
Rates Fund.

LXXXIX. That all the Monies from Time to Time received under this Act for any of the Purposes thereof with respect to Gas, by the Officers and Servants of the Local Board, on account of the Local Board, shall, by the Officers and Servants receiving the same, be forthwith paid to the Treasurer of the Local Board, and shall be carried by him to the Credit of the Gas Rates Fund of the Local Board; and all Monies borrowed under this Act on the Security of the Gas Rates shall be paid to him, and be carried by him to the Credit of that Fund.

Monies ex-
pended with
respect to
Gas to be
paid out of
Gas Rates
Fund.

XC. That all the Expenses of the Local Board of and incident to the acquiring, making, maintaining, and regulating of the Gasworks, and the executing of this Act with respect to Gas, and all Sums borrowed by them for any Purposes of this Act, on the Credit of the Gas Rates, and the Interest thereon, shall be defrayed, so far as may be, out of the Monies carried under this Act, and standing to the Credit of the Gas Rates Fund.

XCI. That

The Blackpool Improvement Act, 1853.

XCI. That if and whenever the Monies carried under this Act, and standing to the Credit of the Gas Rates Fund, be insufficient to answer all the Charges for the Time being payable under this Act out of those Monies, the Deficiency shall be made up by and out of the Gas Rates levied and raised by the Local Board under this Act, and they shall from Time to Time levy and raise such Deficiency by a Gas Rate or Gas Rates accordingly.

If Gas Rates Fund be insufficient, Deficiency to be raised by Gas Rates.

XCII. That all the Tolls, Rates, Duties, and Sums from Time to Time received under this Act for any of the Purposes thereof, except the Purposes thereof with respect to Gas, by the Officers and Servants of the Local Board, on account of the Local Board, shall, by the Officers and Servants receiving the same, be forthwith paid to the Treasurer of the Local Board, and shall be carried by him to the Credit of the District Fund Account of the Local Board; and all Monies borrowed under this Act on the Security of the General District Rates shall be paid to him, and be carried by him to the Credit of that Fund.

As to general Income under this Act.

XCIII. That all the Expenses of the Local Board of and incident to the acquiring, making, maintaining, and regulating of the Market, and the executing of this Act, in all other respects except with respect to Gas, and all Sums borrowed by them for any Purposes of this Act on the Credit of the General District Rates, and the Interest thereon, shall be defrayed, so far as may be, out of the Monies carried under this Act and standing to the Credit of the District Fund Account.

As to general Expenditure under this Act.

XCIV. That the Local Board may from Time to Time borrow at Interest on Mortgage of their General District Rates all such Sums as they think requisite for any of the Purposes of this Act, other than the Purposes thereof with respect to Gas, and on Mortgage of their Gas Rates, all such Sums as they think requisite for any of the Purposes of this Act with respect to Gas; and the Provisions of the "Public Health Act, 1848," with respect to the Mortgages of Rates made under the Authority of that Act, contained in the 107, 108, 109, 110, 111, 112, 113, 114, and 119 Sections of that Act, shall extend and apply accordingly to the Mortgages by the Local Board under this Act.

Power to borrow Money on Mortgage of Rates.

XCV. In order that undue Preference may not be given in paying off any Mortgages, therefore, when and as often as the Local Board, under the Provisions of this Act, are enabled and think it expedient to pay off One or more out of the Number of the Mortgages upon which the same Rate of Interest is payable, or a Part of the Money secured by any such Mortgage, they shall cause the several

Mode of paying off Mortgages.

Numbers

The Blackpool Improvement Act, 1853.

Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put into a Box, and the Clerk of the Local Board shall, in the Presence of Five or more of the Members of the Local Board, draw separately out of the Box One of the Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Local Board; and after every such Ballot the Local Board shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid, and that the same will be paid, with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the Six Months, shall nevertheless be payable on Demand.

Arrears of Mortgages may be enforced by Appointment of a Receiver.

XCVI. That the respective Mortgagees under this Act may obtain Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver; and the Amount to authorize a Requisition for a Receiver shall be One Fourth of the Amount secured on the respective mortgaged Fund.

Power to purchase Lands, &c.

XCVII. That the Local Board may from Time to Time, but only by Agreement, purchase and otherwise acquire any Lands, Buildings, Streams, and Waters, and any Interest, Easement, Right of User, Power, or Privilege in, over, or affecting the same respectively, which they think expedient for any of the Purposes of this Act, and may purchase and acquire the same on such Terms and Conditions as they think fit.

Rates prospective and retrospective.

XCVIII. That any Rate made by the Local Board under the Authority of the "Public Health Act, 1848," or any Act supplemental thereto, or this Act, may be made either wholly prospectively or wholly retrospectively, or partly prospectively and partly retrospectively, and for defraying Liabilities incurred or to be incurred, or both.

Rates may be made for more or less than a Year.

XCIX. That any Rate made by the Local Board under the Authority of the "Public Health Act, 1848," or any Act supplemental thereto, or this Act, may be made in respect of a Period shorter or longer than One Year, but not so as to increase the total Amount payable in or for any Year in respect of any Rate the yearly Amount whereof is limited.

C. That

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C. That the Amount of any Rate made by the Local Board, under the Authority of the "Public Health Act, 1848," or any Act supplemental thereto, or this Act, may, if they think fit, be such Amount as in their Judgment will be sufficient to raise or discharge, not only the Sum in respect of which the Rate is made, but also such a Sum as will meet the Expenses, or what is in their Judgment a due Proportion of the Expenses incurred and to be incurred in and about making and recovering the Rate.

Amount of Rate to include Expenses of recovering it.

CI. That a Justice shall not be disqualified for acting in the Execution of this Act by reason of his being liable to the Payment of any Rate or other Charge under this Act.

Liability to Rates not to disqualify Justices.

CII. That for the Purpose of any Rate to be made or levied under the Provisions of this Act, or of any of the recited or incorporated Acts, all Lands covered with Water and used as a Canal, and any Towing Path to the same, and all Lands used as a Railway constructed under the Powers of any Act of Parliament for public Conveyance, shall be assessed and liable in the Proportion of One Fourth Part only of the net annual Value of such Lands respectively, any thing in this or any of the recited or incorporated Acts contained to the contrary notwithstanding.

As to the rating of Railways and Canals.

CIII. That the Period within which any Railway Company may appeal against any Rate made under the Authority and for any of the Purposes of this Act, or of any of the recited or incorporated Acts, shall be One Month after the Amount of such Rate is demanded from the Secretary or any One of the Directors of such Company: Provided always, that such Demand shall be sufficient if made on the Premises of the Company, or by Letter addressed to the Secretary of such Company, and sent by Post.

Railway Companies allowed One Month to appeal against Rates.

CIV. That nothing in this Act contained shall extend to authorize the Local Board to take or enter upon any of the Lands or Grounds now belonging to the *Lancashire and Yorkshire* and *London and North-western* Railway Companies, or either of them, or to alter, vary, use, or interfere with the Railway or any of the Works thereof, or to restrict or obstruct or interfere with the Rights, Privileges, Easements, and Advantages now used, and exercised by the said Companies respectively, whether under the Authority of Parliament or otherwise, without the Consent in Writing of the said *Lancashire and Yorkshire* and *London and North-western* Railway Companies respectively for that Purpose first had and obtained.

Not to interfere with Railway, &c. belonging to the Lancashire and Yorkshire and London and North-western Railway Companies, without Consent.

CV. Provided always, That a Person shall not be disqualified for being, continuing, or acting as Member of the Local Board by

Members of Local Board not dis-

[Local:]

6 C

reason

The Blackpool Improvement Act, 1853.

qualified
from being
concerned in
Contracts
for Supply
of Gas.

reason of his being concerned in any Contract entered into by the Local Board for a Supply to any Person of Gas under this Act; but any such Person shall not discuss, act, or vote as Member of the Local Board on any Question touching any such Contract in which he or his Partner is directly or indirectly concerned; and every Person so offending shall thereupon be disqualified as being a Contractor with the Local Board.

Recovery of
Monies by
Distress.

CVI. That all Sums of Money now or hereafter due and payable to the Local Board on any Account whatsoever, and all Costs, Damages, and Expenses by this Act directed to be paid, and the Amount whereof is not disputed, may be levied by Distress; and any Justice, on Application by the Local Board, shall issue his Warrant accordingly.

Costs of Dis-
tress.

CVII. That any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of such Money shall be paid by the Person liable to pay such Money; and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Money.

Several
Names may
be included
in One War-
rant.

CVIII. That any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Local Board for any of the Purposes of the "Public Health Act, 1848," or any Act supplemental thereto, or this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Local
Board may
take Secu-
rity of Gua-
rantee So-
cieties.

CIX. That the Local Board may from Time to Time, if they think proper, accept, in lieu of any other Security, the Security of any Guarantee Society established by Charter or Act of Parliament in any Part of *Great Britain*, for the due Performance of the Duties of any Officer appointed or employed by the Local Board.

Saving
Rights of the
Crown and
the Duchy
of Lancaster.

CX. That, except as is by this Act expressly enacted, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, as well in right of Her Crown as in right of Her Duchy of *Lancaster*.

Saving
Rights of the
Lancashire
and York-
shire and
London and
North-wes-
tern Railway
Companies.

CXI. That this Act, or anything herein contained, shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, and Authorities now vested in or used or exercised by the *Lancashire and Yorkshire* and *London and North-western* Railway Companies respectively, but all such Rights, Privileges, and Authorities respectively may be had, exercised, and enjoyed as if this Act had not passed.

CXII. Pro-

The Blackpool Improvement Act, 1853.

CXII. Provided always, That this Act, or anything therein contained, shall not in any way take away, lessen, or prejudicially affect any of the Powers, Rights, or Interests of the Local Board under "The Public Health Act, 1848," or any Act supplemental thereto, but the several Powers granted by this Act to the Local Board shall be in addition to their several Powers under those Acts.

Saving
Powers of
Local Board
under Public
Health Act.

CXIII. Provided always, That, except as is by this Act expressly enacted, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudicially affect any of the Estates, Rights, Interests, Franchises, Powers, or Privileges of the Lord of the Manor of *Layton with Warbrick*.

Saving
Rights of
Lord of
Manor.

CXIV. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be borne and be raised and paid by the Local Board as Part of the Expenses of executing this Act.

Expenses of
Act.

The Blackpool Improvement Act, 1853.

SCHEDULES referred to in the foregoing Act.

TOLLS TO BE TAKEN IN MARKETS.

SCHEDULE (A.)

| | £ | s. | d. |
|---|---|----|----|
| For every covered or uncovered Shed, Stall, Bulk, Block, Trestle, Standing Place, or Station, used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Articles, Commodity, or Thing whatsoever, (except as herein otherwise specifically charged,) the following Tolls per Day shall be taken : | | | |
| Not exceeding Six Feet by Five Feet - - - | 0 | 0 | 6 |
| Not exceeding Nine Feet by Five Feet - - - | 0 | 0 | 9 |
| Not exceeding Twelve Feet by Five Feet - - - | 0 | 1 | 0 |
| For every Three Feet above, for Stations only, One Penny Halfpenny in addition. | | | |
| On uncovered Stalls, the same Excess of Tolls for an Increase of Width beyond Five Feet as in the Case of covered Stalls. | | | |
| CARTS. | | | |
| For every Cart used by any Person for exposing or in which shall be exposed for Sale any Article, Commodity, or Thing, the following Tolls per Day : | | | |
| If drawn by One Horse - - - - - | 0 | 0 | 9 |
| If drawn by Two or more Horses - - - - - | 0 | 1 | 0 |
| For every Waggon, drawn by One or more Horses, when used for the like Purpose, per Day - - - | 0 | 1 | 9 |
| For every Cart or Waggon, if drawn by One Mule, Ass, or other Beast of Burden (except a Horse) - | 0 | 0 | 6 |
| And if drawn by Two or more - - - - - | 0 | 0 | 9 |
| BUTTER. | | | |
| For every Basket, Parcel, or Quantity of Butter not exceeding Twelve Pounds Weight, per Day - - - | 0 | 0 | 1 |
| For each additional Six Pounds Weight, per Day - | 0 | 0 | 1 |

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| POULTRY. | | £ | s. | d. |
|--|---|---|----|----|
| For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits; viz. | | | | |
| Not exceeding Three Couple, per Day | - | 0 | 0 | 1 |
| For every additional Three Couple, per Day | - | 0 | 0 | 1 |
| For every Turkey or Goose, per Day | - | 0 | 0 | 1 |
| EGGS. | | | | |
| For every Basket, Parcel, or Quantity of Eggs, under Two Dozen | | | | |
| | - | 0 | 0 | 0½ |
| For each additional Dozen | - | 0 | 0 | 0½ |
| HORSES, CATTLE, AND PIGS. | | | | |
| For every Horse, Ox, or Cow | - | 0 | 0 | 6 |
| For every Sheep, Calf, Hog, or Pig | - | 0 | 0 | 2 |
| GENERAL TOLLS. | | | | |
| For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads; (that is to say,) | | | | |
| Not containing more than One Bushel | - | 0 | 0 | 1 |
| Every additional Half Bushel | - | 0 | 0 | 0½ |
| [No Toll shall be demanded or taken in respect of Milk.] | | | | |

SCHEDULE (B.)

WEIGHING AND MEASURING.

| | | | | |
|--|---|---|---|----|
| For weighing every Piece of Meat or other Thing weigh- ing not more than Twenty Pounds Avoirdupois | - | 0 | 0 | 0½ |
| For weighing every Piece of Meat or Thing weighing more than Twenty Pounds, and not exceeding One hundred Pounds | - | 0 | 0 | 1 |
| And so in proportion for any greater or smaller Quantity than One hundred Pounds Weight, over and above One hundred Pounds Weight. | | | | |
| For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel | - | 0 | 0 | 0½ |
| For measuring every Quantity more than a Bushel and not exceeding Two Bushels | - | 0 | 0 | 1 |
| And for every Bushel beyond Two Bushels | - | 0 | 0 | 1 |

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SCHEDULE (C.)

WEIGHING MACHINES.

| | £ | s. | d. |
|---|---|----|----|
| For weighing any Cart, Waggon, or other Carriage, not exceeding One Ton | 0 | 0 | 3 |
| And so in proportion for any greater or smaller Weight than One Ton. | | | |

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